

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2022 ANNUAL TOWN MEETING**



**Monday, May 2, 2022 - 5:00 PM
Nantucket High School
Mary P. Walker Auditorium**

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

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Dawn Hill Holdgate, Vice Chair
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Kristie Ferrantella
Melissa K. Murphy

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The Town of Nantucket advises applicants, participants and the public that it does not discriminate on the basis of disability in, admission to, access to, treatment or employment in its programs, services and activities. The Town of Nantucket will provide auxiliary aids and services to access programs upon request. Inquiries, requests and complaints should be directed to the Town Manager, 16 Broad Street, Nantucket, MA 02554, (508) 228-7255.

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Cover photo courtesy of Peter Brace: Polpis Harbor at sunrise

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NOTES:

1. ***PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS.***
2. ***UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF MOTIONS IS A SIMPLE MAJORITY.***

ARTICLE 1
(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2021 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as printed in the Fiscal Year 2021 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

ARTICLE 2
(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Ninety Thousand Fifty-eight Dollars and Fifty-nine Cents (\$90,058.59) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Three Hundred Ninety-one Dollars and Thirty-eight Cents (\$391.38) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Assessor	Don Allen	\$35.00
Department of Public Works	ACV Environmental Services Inc	\$31,438.25
Department of Public Works	ACV Environmental Services Inc	\$15,297.75
Department of Public Works	Delroy Grant	\$240.86
Department of Public Works	Delroy Grant	\$240.00
Department of Public Works	Delroy Grant	\$3,310.84
Department of Public Works	Delroy Grant	\$3,798.05
Department of Public Works	Gloria E Kyburg	\$910.00
Department of Public Works	Grainger	\$95.48
Department of Public Works	Grainger	\$472.36
Department of Public Works	Kenneth C Howard Electric Inc	\$665.00
Department of Public Works	Kenneth C Howard Electric Inc	\$685.20
Department of Public Works	Nantucket Surveyors	\$18,715.00
Department of Public Works	Nantucket Surveyors	\$570.00
Department of Public Works	Nantucket Surveyors	\$745.00
Department of Public Works	Nantucket Police Department	\$480.00

Department of Public Works	Peter McColl	\$200.00
Department of Public Works	Sarah B Cleaning	\$1,700.00
Human Resources	Concentra	\$1,875.00
Human Resources	VFIS	\$1,418.00
Town Clerk	SHI	\$7,166.80
Subtotal General Fund		\$90,058.59
Sewer	Hazen and Sawyer	\$391.38
Subtotal Sewer Enterprise Fund		\$391.38

Quantum of vote required for passage of the motion is 4/5

ARTICLE 3 (Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following appropriations and transfers are made for prior year articles:

<i>DEPARTMENT</i>	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
School	Article 10 of 2013 Annual Town Meeting (Professional Services for Teen Center)	Article 10 of 2021 Annual Town Meeting (School-wide Building Improvements)	\$34,245.00

ARTICLE 4 (Revolving Accounts: Spending Limits for FY 2023)

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2023; or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town set the spending limits for revolving funds established pursuant to Section 19-21 (Revolving accounts established) of the Town Code as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	\$634,500

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of Town-owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	\$100,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of Jetties tennis court facility	\$100,000
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated with septic system inspection-related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$85,000
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$78,000
Lifeguard Housing	Rental payments	Town Manager with approval of Select Board	Defray maintenance/upkeep of lifeguard housing facilities	\$67,500
Road Repairs	Road opening fees, funds received for Town roadway projects	Town Manager with approval of Select Board	Repairs to Town roads as needed due to road openings	\$100,000
Public Works Housing	Rental payments	Town Manager with approval of Select Board	Defray maintenance/upkeep of public works housing facilities	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defray maintenance/upkeep of Low Beach housing facilities	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan	\$150,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of Airport Fuel Farm	\$4,500,000

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2023; said sum not to exceed five (5) percent of the Fiscal Year 2022 tax levy; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town to establish a Reserve Fund for Fiscal Year 2023 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6

(Fiscal Year 2022 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2022 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2022 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Medical Insurance	Fire: Operating	\$150,000.00
Medical Insurance	Town Clerk: Operating	\$9,000.00
Public Works: Salaries	Parks & Recreation: Salaries	\$46,900.51

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2023)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2023:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00 15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00 \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	\$23.00 22.00
Dietician/Our Island Home (hourly)	\$43.00 41.00
Election Warden (hourly)	\$22.00 20.00
Election Worker (hourly)	\$17.00 15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00

EMT, Call (hourly)	\$22.00 20.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$22.00 20.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	\$29.00 28.00
Our Island Home Ancillary (Per Diem - hourly)	\$21.00 20.00
Paramedic, Certified (Per Diem - hourly)	\$32.00 30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$40.00 38.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00 15.00
Reserve Police Officer (hourly)	\$32.00 30.00
Seasonal Assistant Harbormaster (hourly)	\$32.00 30.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00 30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	\$25.00 21.00
Seasonal Health Inspector	\$32.00 30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	\$18.00 16.00

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 2, 2022 - June 30, 2023)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$17.00 \$19.00	\$18.00 \$20.00	\$19.00 \$21.00	\$20.50 \$22.50
B-Hourly*	\$18.00 \$20.00	\$19.00 \$21.00	\$20.00 \$22.00	\$21.00 \$23.00
C-Hourly*	\$19.00 \$21.00	\$20.00 \$22.00	\$21.00 \$23.00	\$22.00 \$24.00
D-Hourly*	\$21.00 \$23.00	\$21.50 \$23.50	\$22.00 \$24.00	\$22.50 \$24.50
E-Hourly*	\$24.00	\$25.00	\$26.00	\$27.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer, Tennis Attendant
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern, Seasonal Waste Reduction Intern, Lead Natural Resources Technician, Seasonal Laborer.
- E: Lifeguard, Community Service Officer

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$107,836
	\$109,993

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	\$23.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00
Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	\$22.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$22.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	\$29.00
Our Island Home Ancillary (Per Diem - hourly)	\$21.00
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$40.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00
Seasonal Assistant Harbormaster (hourly)	\$32.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00
Seasonal Maintenance Supervisor/Public Works (hourly)	\$25.00
Seasonal Health Inspector	\$32.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	\$18.00

***Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 2, 2022 - June 30, 2023)***

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$19.00	\$20.00	\$21.00	\$22.50
B-Hourly*	\$20.00	\$21.00	\$22.00	\$23.00
C-Hourly*	\$21.00	\$22.00	\$23.00	\$24.00
D-Hourly*	\$23.00	\$23.50	\$24.00	\$24.50
E-Hourly*	\$24.00	\$25.00	\$26.00	\$27.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer, Tennis Attendant
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern, Seasonal Waste Reduction Intern, Lead Natural Resources Technician, Seasonal Laborer.
- E: Lifeguard, Community Service Officer

Schedule C -- Compensation Schedule for Elected Officials*

Moderator	\$175 per year
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$109,993

****Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.***

ARTICLE 8

(Appropriation: Fiscal Year 2023 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2023 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2023			FY 2022
	Payroll	Operating	Total Budget	Article 8 Total

GENERAL GOVERNMENT				
Finance Committee		\$18,680	\$18,680	\$18,680
Finance & Operations	\$2,048,559	\$484,150	\$2,532,709	\$2,299,217
Human Resources	\$388,660	\$161,200	\$549,860	\$612,943
Information Systems	\$918,293	\$788,366	\$1,706,659	\$1,332,811
Legal		\$401,000	\$401,000	\$401,000
Moderator	\$183	\$1,500	\$1,683	\$1,683
Planning & Land Use Services	\$1,732,009	\$476,100	\$2,208,109	\$2,133,979
Natural Resources	\$1,008,217	\$154,812	\$1,163,029	\$942,354
Town Administration	\$1,438,249	\$771,850	\$2,210,099	\$2,085,806
Nantucket Housing Office	\$205,127	\$275,000	\$480,127	\$485,000
Town Clerk	\$264,278	\$103,500	\$367,778	\$324,177
Subtotal	\$8,003,575	\$3,636,158	\$11,639,733	\$10,637,650
SAFETY & PROTECTION				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$2,914,423	\$366,500	\$3,280,923	\$3,205,394
Police Department	\$6,838,873	\$776,500	\$7,615,373	\$7,211,613
Street Lighting		\$165,000	\$165,000	\$165,000
Subtotal	\$9,753,297	\$1,316,000	\$11,069,297	\$10,590,007
MARINE & COASTAL RESOURCES				
Marine Dept	\$896,328	\$88,650	\$984,978	\$1,162,399
Subtotal	\$896,328	\$88,650	\$984,978	\$1,162,399
MAINTENANCE				
Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$177,032	\$177,032	\$172,714
Public Buildings		\$1,271,900	\$1,271,900	\$1,271,900
Public Works	\$2,954,567	\$624,900	\$3,579,467	\$3,470,945
Park and Recreation	\$151,534	\$200,000	\$351,534	
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
Subtotal	\$3,113,701	\$2,723,832	\$5,837,533	\$5,373,159
HUMAN SERVICES				
Health & Human Services	\$1,268,825	\$163,290	\$1,432,115	\$1,131,721
Subtotal	\$1,268,825	\$163,290	\$1,432,115	\$1,131,721
CULTURE & RECREATION				
Atheneum		\$785,237	\$785,237	\$766,085

Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$321,401	\$161,200	\$482,601	\$464,478
<i>Subtotal</i>	\$321,401	\$951,137	\$1,272,538	\$1,235,263
CONTRACTUAL OBLIGATIONS	\$455,000		\$455,000	\$400,000
TOTAL OF DEPT OPERATING BUDGETS	\$23,812,127	\$8,879,067	\$32,691,194	\$30,530,199
EDUCATION				
Community School	\$550,000		\$550,000	\$500,000
School Department	\$28,638,460	\$5,788,527	\$34,426,987	\$32,876,987
<i>Subtotal</i>	\$29,188,460	\$5,788,527	\$34,976,987	\$33,376,987
GRAND TOTAL OF GEN GOV'T OPERATING BUDGETS	\$53,000,587	\$14,667,594	\$67,668,181	\$63,907,186
DEBT SERVICE				
Principal & Interest		\$11,189,470	\$11,189,470	\$9,758,430
<i>Subtotal</i>		\$11,189,470	\$11,189,470	\$9,758,430
INSURANCES				
Auto Casualty		\$231,697	\$231,697	\$195,525
Blanket Liability		\$2,557,171	\$2,557,171	\$2,157,950
Claims Deductible		\$104,384	\$104,384	\$88,088
Insurance Consulting		\$58,658	\$58,658	\$49,500
Medical Insurance	\$15,809,865		\$15,809,865	\$14,785,595
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$348,270		\$348,270	\$293,899
Laborer's Union Pension	\$75,000		\$75,000	\$75,000
<i>Subtotal</i>	\$16,414,636	\$2,951,910	\$19,366,545	\$17,827,057
ASSESSMENTS				
Barnstable Retirement		\$6,299,169	\$6,299,169	\$5,805,686
<i>Subtotal</i>		\$6,299,169	\$6,299,169	\$5,805,686
GRAND TOTAL OF OPERATING BUDGET	\$69,415,222	\$35,108,143	\$104,523,366	\$97,298,359

And to meet these appropriations, the sum of One Hundred Three Million Six Hundred Thousand Eight Hundred Sixty-six Dollars (\$103,600,866) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town; and that Nine Hundred Twenty-two Thousand Five Hundred Dollars (\$922,500) be transferred from Free Cash in the Treasury of the Town, for one-time and operating expenses that are included in various departmental budgets.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2023 is Thirty-four Million Nine Hundred Seventy-six Thousand Nine Hundred Eighty-seven Dollars (\$34,976,987).

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2023, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Six Hundred Fifty Thousand Dollars (\$650,000) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town, and One Hundred Seventy-Five Thousand Dollars (\$175,000) be transferred from the Special Stabilization Fund for Substance Abuse Efforts for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Select Board, execute grant agreements with the respective agencies for Fiscal Year 2023, which contracts shall stipulate mutually agreed upon terms and conditions. The grant to Gosnold Behavioral Health and Eighty-Seven Thousand Five Hundred Dollars (\$87,500) of the grant to Fairwinds shall be funded from the Special Stabilization Fund for Substance Abuse Efforts with a condition that the grant funds be expended solely for addiction and mental health treatments services:

<i>AGENCY</i>	<i>AMOUNT</i>
A Safe Place, Inc	\$70,000.00
National Alliance on Mental Illness	\$101,823.00
Elder Services of Cape Cod and the Islands	\$21,000.00
South Coastal Counties Legal Services, Inc	\$4,500.00
Nantucket Interfaith Council	\$80,000.00
Health Imperatives	\$120,000.00

Martha's Vineyard Community Services	\$18,000.00
Fairwinds Counseling Center	\$278,977.00
Gosnold Behavioral Health	\$87,500.00
Small Friends on Nantucket	\$20,000.00
Artists Association of Nantucket	\$23,200.00
TOTAL	\$825,000.00

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for the offices, departments, boards and commissions of the Town of Nantucket; provided that one or more amounts to be raised and appropriated may be contingent upon a Proposition Two and One-half capital outlay exclusion ballot question; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for the following capital outlay expenditures, including costs incidental and related thereto, with all such expenditures to be made by the Town Manager with the approval of the Select Board; except the School expenditures to be made by the School Superintendent with the approval of the School Committee, and further that the Town Manager with the approval of the Select Board or the School Superintendent with the approval of the School Committee as the case may be, is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and all other costs incidental and related thereto	Raise and appropriate \$1,625,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$1,625,000

Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$10,000,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$10,000,000
Fire	Costs associated with the purchase of advanced life support equipment	Transfer \$60,000 from the Ambulance Reserve Fund	\$60,000
Fire	Costs associated with the purchase of replacement self-contained breathing apparatus air packs (SCBAs)	Raise and appropriate \$105,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$105,000
Fire	Costs associated with the disposal and replacement of fire-fighting foam	Transfer \$110,000 from Free Cash into the Treasury of the Town	\$110,000
Fire	Costs associated with the replacement of portable radios* <i>*Total cost of this project is \$400,000; however, a FEMA grant will fund \$305,055.</i>	Transfer \$94,945 from the Ambulance Reserve Fund	\$94,945
Fire	Costs associated with replacement of Ambulance 3	Transfer \$370,000 from the Ambulance Reserve Fund	\$370,000

Fire	Costs associated with replacement of utility vehicle	Raise and appropriate \$75,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$75,000
Fire	Costs associated with purchase of utility terrain vehicle	Raise and appropriate \$50,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$50,000
Fire	Costs associated with purchase of equipment and training for Active Shooter Response program	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
Health and Human Services	Costs associated with purchase of one (1) replacement and one (1) additional Ford Ranger pick-up truck or equivalent model	Raise and appropriate \$100,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$100,000
IS GIS	Costs associated with replacement and upgrade of wireless network infrastructure	Transfer \$200,000 from Free Cash into the Treasury of the Town	\$200,000
IS GIS	Costs associated with replacement and/or repair of network infrastructure and related equipment	Transfer \$50,000 from Free Cash into the Treasury of the Town	\$50,000

IS GIS	Costs associated with GIS digital imaging updates	Raise and appropriate \$170,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$170,000
IS GIS	Costs associated with server virtualization and maintenance	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
IS GIS	Costs associated with replacement of Town computers, printers and associated equipment	Transfer \$62,800 from Free Cash into the Treasury of the Town	\$62,800
Marine	Costs associated with completion of the Marine Maintenance Building - Phase 2	Transfer \$400,000 from Free Cash into the Treasury of the Town	\$400,000
Natural Resources	Costs associated with purchase of one (1) replacement and one (1) additional Ford Ranger pick-up truck or equivalent model	Raise and appropriate \$100,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$100,000
Police	Costs associated with replacement and upgrade of body camera video system	Transfer \$494,100 from Free Cash into the Treasury of the Town	\$494,100
Public Works	Costs associated with purchase of two (2) replacement Ford Ranger pick-up trucks or equivalent model	Raise and appropriate \$96,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$96,000
Public Works	Costs associated with purchase of replacement skid steer loader	Raise and appropriate \$72,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be	\$72,000

		contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	
Public Works	Costs associated with purchase of replacement Ford F350 or equivalent model	Raise and appropriate \$68,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$68,000
Public Works	Costs associated with purchase of replacement Ford F550 or equivalent model	Raise and appropriate \$80,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$80,000
Public Works	Costs associated with purchase of "Forestry Package" accessory for skid steer loader	Raise and appropriate \$50,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$50,000
Public Works	Costs associated with purchase of replacement Tandem Vibratory Roller	Raise and appropriate \$50,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the	\$50,000

		voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	
Public Works	Costs associated with purchase of mini street sweeper for multi-use paths and sidewalks	Raise and appropriate \$120,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$120,000
Public Works	Costs associated with purchase of vehicle for Parks and Rec division	Raise and appropriate \$50,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$50,000
Public Works	Costs associated with tennis courts crack sealing at Jetties Beach	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
Public Works	Costs associated with replacing chain-link fence around the skate park	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
Public Works/Facilities	Costs associated with Town-wide municipal concession facilities projects, including maintenance, design and engineering, and construction	Transfer \$749,788 from Article 10 of the 2013 Annual Town Meeting (Children's Beach Concession Renovation), and transfer \$22,517 from Article 10 of the 2018 Annual Town Meeting (Repair Children's Beach Concession Facility)	\$772,305

Public Works/ Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Public Works/ Transportation	Costs associated with annual cobblestone street improvements and maintenance	Transfer \$525,000 from Free Cash into the Treasury of the Town	\$525,000
Public Works/ Transportation	Costs associated with annual sidewalk improvements and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,100,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,100,000
Public Works/ Transportation	Costs associated with annual road improvements and maintenance Island-wide	Transfer \$2,000,000 from Free Cash into the Treasury of the Town	\$2,000,000
Public Works/ Transportation	Costs associated with Millie's Bridge design, engineering, repairs and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Public Works/ Transportation	Costs associated with Polpis Road near Sesachacha Pond interim coastal resiliency measures	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
School	Costs associated with campus-wide roof replacement/maintenance	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
School	Costs associated with campus-wide building improvements	Transfer \$300,000 from Free Cash into the Treasury of the Town	\$300,000
Town Admin	Costs associated with update to Nantucket and Madaket Harbors Action Plan to incorporate needs for hazard mitigation and coastal resilience	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000

Town Admin	Costs associated with continued implementation of Town-wide document management system	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Town Admin	Costs associated with updating Parks and Recreation Master Plan to include Coastal Resilience Plan recommendations	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Town Admin	Costs associated with coastal resiliency planning	Raise and appropriate \$500,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; and transfer \$500,000 from Free Cash into the Treasury of the Town	\$1,000,000
Town Admin	Costs associated with comprehensive planning for relocation of Baxter Road and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,500,000
Town Admin	Costs associated with 5-Year Update of Hazard Mitigation Plan	Transfer \$150,000 from Free Cash into the Treasury of the Town	\$150,000
Town Admin	Costs associated with sediment transport and dredge plan	Transfer \$550,000 from Free Cash into the Treasury of the Town	\$550,000
Town Admin	Costs associated with Miacomet Pond dredging, design and permitting	Transfer \$300,000 from Free Cash into the Treasury of the Town	\$300,000

Town Admin	Costs associated with groundwater mapping, nutrient flow investigation in Nantucket Harbor Watershed and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$900,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$900,000
Town Admin	Costs associated with Employee Housing Feasibility Study and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Town Admin	Costs associated with feasibility study for new Senior Center at East Creek Road (Our Island Home site) and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Town Admin	Costs associated with design, engineering and construction of new water mains in areas west of Nantucket Memorial Airport	Authorize the Treasurer, with the approval of the Select Board to borrow \$9,000,000 pursuant to G.L. c.44, section 7 or 8 or any enabling authority for such purpose, including without limitation all costs thereof as defined in G.L. c. 29C, section 1 and to issue bonds and notes of the Town therefor that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan	\$9,000,000

		agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Select Board is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.	
<i>TOTAL</i>			<i>\$36,150,150</i>

And, to meet this appropriation that Seven Million Forty-one Thousand Nine Hundred Dollars (\$7,041,900) be transferred from Free Cash in the Treasury of the Town so specified; that Seven Hundred Forty-nine Thousand Seven Hundred Eighty-eight Dollars (\$749,788) be transferred from Article 10 of the 2013 Annual Town Meeting; that Twenty-two Thousand Five Hundred Seventeen Dollars (\$22,517) be transferred from Article 10 of the 2018 Annual Town Meeting; that Five Hundred Twenty-four Thousand Nine Hundred Forty-five Dollars (\$524,945) be transferred from the Ambulance Reserve Fund; that Two Million Two Hundred Ninety-five Thousand Dollars (\$2,295,000) be raised and appropriated from the FY 2023 tax levy; that One Million Sixteen Thousand Dollars (\$1,016,000) be raised and appropriated from the FY 2023 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and that the Treasurer, with the approval of the Select Board be authorized to borrow Ten Million Dollars (\$10,000,000) for the Affordable Housing Trust; Nine Million Dollars (\$9,000,000) for water mains west of Nantucket Memorial Airport; Five Hundred Thousand Dollars (\$500,000) for costs associated with repairs to Millie's Bridge; Five Hundred Thousand Dollars (\$500,000) for costs associated with a feasibility study for a new Senior Center; Five Hundred Thousand Dollars (\$500,000) for costs associated with updating the Parks and Recreation Master Plan to include Coastal Resilience Plan recommendations; One Million One Hundred Thousand Dollars

(\$1,100,000) for costs associated with the continuation of annual sidewalk improvements; One Million Five Hundred Thousand Dollars (\$1,500,000) for costs associated with comprehensive planning for relocation of Baxter Road; Five Hundred Thousand Dollars (\$500,000) for costs associated with Employee Housing Feasibility Study; and Nine Hundred Thousand Dollars (\$900,000) for costs associated with groundwater mapping, nutrient flow investigation-Nantucket Harbor Watershed; with all borrowings to be done under and pursuant to General Laws Ch. 44, sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor. All of these sources totaling Thirty-six Million One Hundred Fifty Thousand One Hundred Fifty Dollars (\$36,150,150).

Quantum of vote required for passage of the motion is 2/3

ARTICLE 11

(Appropriation: Design of New Our Island Home Facility)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of design for a new Our Island Home Facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Eight Million Five Hundred Thousand Dollars (\$8,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of design for a new Our Island Home Facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

FINANCE COMMITTEE COMMENT: The requested amount is for approximately 17% of the estimated construction cost for the facility. This percentage was vetted with experts who have worked for the Town previously. Construction costs are currently estimated to be approximately \$50,000,000, which would have to be approved at a future Town Meeting and Annual Town Election.

This request would cover the fees for both the required Owners Project Manager (OPM) and the design firm. The funds would be used for the initial design phase, final design,

bidding and procurement, and then project management through the construction phase of the project. While the title of the Article indicates “design”, it includes more than just design. There are several checks and balances in place to ensure funds are prudently spent, for example: the Town is governed by numerous procurement requirements for the design and construction of this facility. The process will follow *M.G.L. c. 7C, §§ 44-58*, commonly referred to as the “designer selection law,” which requires a qualifications-based solicitation for the Owners Project Manager (OPM). The OPM cost is negotiated after reviewing and ranking the applicants. Once the OPM has been engaged, the Town will conduct the same qualifications-based procurement for the designer of the facility. As with the OPM, the price is negotiated after reviewing and ranking of the applicants. These process steps are required by *M.G.L. c. 7C, §§ 44-58* and the Town will adhere to the steps as defined.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 12

(Supplemental Appropriation: Replacement Harbormaster Building)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to construct a replacement Harbormaster Building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to construct a replacement Harbormaster Building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 13

(Appropriation: Pleasant Street and Sidewalk Repaving/Reconstruction)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Pleasant Street and adjacent sidewalk(s)

including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Pleasant Street and adjacent sidewalk(s) including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 14

(Appropriation: LORAN Barracks Repairs)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding repairs to the LORAN Barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding repairs to the LORAN Barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

NOTE: The “LORAN barracks facility” is town employee housing used primarily for seasonal employees.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 15

(Appropriation: School Department - Athletic Facilities)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the School Superintendent with the approval of the School Committee, for the purpose of funding to construct athletic facilities and associated appurtenances at Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Five Million Six Hundred Thousand Dollars (\$5,600,000) to be spent by the School Superintendent with the approval of the School Committee, for the purpose of funding to construct athletic facilities and associated appurtenances at Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 16

(Appropriation: Design of Central Municipal Facility)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the design of a central municipal facility at 2 Fairgrounds Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Six Million Dollars (\$6,000,000) to be spent by the Town Manager with the approval of the Select Board,

for the purpose of funding the design of a central municipal facility at 2 Fairgrounds Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

FINANCE COMMITTEE COMMENT: The requested amount is for approximately 12% of the estimated construction cost for the facility. This percentage was vetted with experts who have worked for the Town previously. Construction costs are currently estimated to be approximately \$50,000,000, which would have to be approved at a future Town Meeting and Annual Town Election.

This request would cover the fees for both the required Owners Project Manager (OPM) and the design firm. The funds would be used for the initial design phase, final design, bidding and procurement, and then project management through the construction phase of the project. While the title of the Article indicates “design”, it includes more than just design. There are several checks and balances in place to ensure funds are prudently spent, for example: the Town is governed by numerous procurement requirements for the design and construction of this facility. The process will follow *M.G.L. c. 7C, §§ 44-58*, commonly referred to as the “designer selection law,” which requires a qualifications-based solicitation for the Owners Project Manager (OPM). The OPM cost is negotiated after reviewing and ranking the applicants. Once the OPM has been engaged, the Town will conduct the same qualifications-based procurement for the designer of the facility. As with the OPM, the price is negotiated after reviewing and ranking of the applicants. These process steps are required by *M.G.L. c. 7C, §§ 44-58* and the Town will adhere to the steps as defined.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 17

(Appropriation: Construction of Town Employee Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waite Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Eight Million Five Hundred Thousand Dollars (\$8,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waite Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 18

(Appropriation: PFAS Soil Investigation)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 19

(Real Estate Acquisition/Appropriation: 10-12 Washington Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for transportation and general municipal purposes the fee or

lesser interests in two parcels of land with the building thereon located at 10-12 Washington Street, being the parcel located at 10 Washington Street shown as Lot 2 containing 5,032± square feet on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 2-E, and the parcel located at 12 Washington Street containing 4,572± square feet and both parcels being more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 1109, Page 94; and further to appropriate the sum of Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000.00), and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to acquire said parcels and any other costs incidental and related thereto; provided however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 19 Acquisition of 10-12 Washington Street” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to authorize the Select Board to acquire by purchase, gift or eminent domain for transportation and general municipal purposes the fee or lesser interests in two parcels of land with the building thereon located at 10-12 Washington Street, being the parcel located at 10 Washington Street shown as Lot 2 containing 5,032± square feet on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 2-E, and the parcel located at 12 Washington Street containing 4,572± square feet and both parcels being more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 1109, Page 94, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article 19 Acquisition of 10-12 Washington Street” dated January 2022 and filed herewith at the Office of the Town Clerk; and further to appropriate the sum of Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000) to acquire said parcels and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 20

(Appropriation: Affordable Housing Capital Expenditures)

To see if the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute or transfer from available funds, the sum of Ten Million Dollars (\$10,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purposes of capital expenditures for the costs for acquiring real estate, including any buildings thereon, or interests therein which may include affordable housing

restrictions, for the development of affordable housing, and which may include the costs of designing, engineering, constructing, reconstructing, remodeling and equipping affordable housing, and the buy down for the acquisition of said real estate or interests therein, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for all other costs incidental and related thereto; provided however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Ten Million Dollars (\$10,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purposes of capital expenditures for the costs for acquiring real estate, including any buildings thereon, or interests therein which may include affordable housing restrictions, for the development of affordable housing, and which may include the costs of designing, engineering, constructing, reconstructing, remodeling and equipping affordable housing, and the buy down for the acquisition of said real estate or interests therein, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 21

(Appropriation: Fiscal Year 2023 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2023, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition Two and One-half override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2023 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Nantucket Airport Commission; with the Nantucket Water Department Enterprise Fund to be expended through the Nantucket Water Commission.

FUND	FY2023 PAYROLL	FY2023 EXPENSES	FY2023 TOTAL BUDGET	FY2022 BUDGET
Airport	\$5,884,100	\$4,918,500	\$10,802,600	\$7,920,700

Our Island Home	\$7,387,710	\$2,013,884	\$9,401,594	\$8,789,850
Sewer	\$2,597,151	\$7,631,255	\$10,228,406	\$9,737,960
Solid Waste	\$548,491	\$12,735,557	\$13,284,048	\$10,965,193
Nantucket Water Department	\$2,148,666	\$4,825,520	\$6,974,186	\$6,776,651
<i>Total</i>	<i>\$18,566,118</i>	<i>\$32,124,717</i>	<i>\$50,690,835</i>	<i>\$44,190,354</i>

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY23 Anticipated Revenue	\$10,402,600
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY23 Anticipated Revenue	\$3,810,403
Our Island Home	FY23 Tax Levy and Other General Revenues	\$5,125,000
Our Island Home	Retained Earnings	\$466,191
Sewer	FY23 Anticipated Revenue	\$10,020,408
Sewer	Retained Earnings	\$207,998
Solid Waste	FY23 Anticipated Revenue	\$4,515,540
Solid Waste	FY23 Tax Levy and Other General Revenues	\$6,665,570
Solid Waste	Retained Earnings	\$722,202
Solid Waste	FY23 Tax Levy and Other General Revenues	\$1,380,736
Nantucket Water Department	FY23 Anticipated Revenue	\$6,974,186

ARTICLE 22

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures for the Enterprise Funds of the Town of Nantucket; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be expended through the Airport Commission; the Sewer Enterprise, Solid Waste Enterprise and Our Island Home Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Select Board/Board of Public Works/Sewer Commissioners; the Water Department Enterprise Fund appropriation to be expended through the Nantucket Board of Water Commissioners:

DEPARTMENT	ITEM	FUNDING SOURCE(S)	AMOUNT
Airport	Costs associated with Airport Improvement Projects, including but not limited to, permitting for	Authorize the Treasurer, with the approval of the Select Board to borrow \$17,200,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and	\$17,200,000

	Airport Layout Plan, runway 6/24 reconstruction, commuter apron reconstruction, terminal improvements, purchase of airport rescue and firefighting truck, Master Plan update and all other costs incidental and related thereto	interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Costs associated with Nobadeer Farm Road Housing Development, including design, engineering and Owner's Project Manager and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,152,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport.	\$1,152,000
Airport	Costs associated with the purchase of maintenance equipment and vehicles and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$389,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$389,000

Airport	Costs associated with flooring replacement in the security screening area and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$53,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$53,000
Airport	Costs associated with IT and associated equipment upgrades and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$155,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$155,000
Airport	Costs associated with airfield paint, beads and rubber markings removal and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$729,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$729,000
Airport	Costs associated with south apron noise berm construction and all other costs incidental and related	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,350,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and	\$1,350,000

	thereto	interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport.	
Airport	Costs associated with construction of A220 Gate hardstands and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,100,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$1,100,000
Airport	Costs associated with Gate 8/Hangar 8 paving and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$350,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$350,000
Airport	Costs associated with direct digital control system for terminal geothermal system and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$364,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$364,000
Subtotal of Airport Enterprise Fund			\$22,842,000

Water	Costs associated with water main extension to Delta and Nobadeer playing fields	Transfer \$200,000 from Certified Retained Earnings in the Water Department Enterprise Fund	\$200,000
Subtotal of Water Department Enterprise Fund			\$200,000
Our Island Home	Costs associated with replacement generator and new shed	Transfer \$145,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$145,000
Subtotal of Our Island Home Enterprise Fund			\$145,000
Solid Waste	Costs associated with Materials Recovery Facility roof replacement (Supplemental Funding)	Transfer \$332,000 from Free Cash into the Treasury of the Town	\$332,000
Solid Waste	Costs associated with Materials Recovery Facility sprinkler system replacement	Transfer \$60,000 from Free Cash into the Treasury of the Town	\$60,000
Solid Waste	Costs associated with Materials Recovery Facility sorting station and system improvements (Supplemental Funding)	Transfer \$346,134 from Free Cash into the Treasury of the Town	\$346,134
Solid Waste	Costs associated with Materials Recovery Facility restrooms and breakroom	Transfer \$80,000 from Free Cash into the Treasury of the Town	\$80,000

	improvements		
Solid Waste	Costs associated with Materials Recovery Facility new concrete pad and catwalk	Raise and appropriate \$300,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$300,000
Solid Waste	Costs associated with Materials Recovery Facility purchase of de-bagger	Transfer \$125,000 from Free Cash into the Treasury of the Town	\$125,000
Solid Waste	Costs associated with Take-It-or-Leave-It (TIOLI) roof and siding replacement	Raise and appropriate \$100,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$100,000
Solid Waste	Costs associated with moving and installing trailer at TIOLI	Transfer \$70,000 from Free Cash into the Treasury of the Town; and transfer \$180,000 from Article 10 of the 2019 Annual Town Meeting (Trailer for Municipal space/meetings)	\$250,000
Solid Waste	Costs associated with repairing site fences and gates at Landfill and TIOLI	Transfer \$125,000 from Free Cash into the Treasury of the Town	\$125,000
Solid Waste	Costs associated with replacing front gate at Landfill	Transfer \$60,000 from Free Cash into the Treasury of the Town	\$60,000

Solid Waste	Costs associated with design and construction of Hard-To-Manage-Waste building for select recyclable materials and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	\$500,000
Solid Waste	Costs associated with replacement of one (1) staff vehicle	Raise and appropriate \$40,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$40,000
Solid Waste	Costs associated with storm water drainage improvements, including: pave composting pad/install treatment system for run-off and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$600,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	\$600,000
Solid Waste	Costs associated with purchase of "smart" compactor waste receptacles	Transfer \$151,034 from Free Cash into the Treasury of the Town	\$151,034
Subtotal of Solid Waste Enterprise Fund			\$3,069,168

Sewer	Costs associated with replacing main generator radiator at Surfside Wastewater Treatment Facility	Transfer \$100,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$100,000
Sewer	Costs associated with purchase and installation of water-tight manhole covers	Transfer \$50,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$50,000
Sewer	Costs associated with upgrades to Surfside Wastewater Treatment Facility Membrane and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$1,000,000
Sewer	Costs associated with Capacity, Management, Operations and Maintenance (CMOM) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$2,000,000
Sewer	Costs associated with design of new garage maintenance facility and all	Authorize the Treasurer, with the approval of the Select Board to borrow \$500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general	\$500,000

	other costs incidental and related thereto (Supplemental Funding)	obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	
Sewer	Costs associated with pilot program for PFAS removal and treatment and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$2,500,000
Subtotal of Sewer Enterprise Fund			\$6,150,000
<i>Total of all Enterprise Funds</i>			<i>\$32,406,168</i>

Quantum of vote required for passage of the motion is 2/3

ARTICLE 23

(Enterprise Funds: Fiscal Year 2022 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2022 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following appropriations and transfers are made for prior year articles:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport Capital Projects, Article 20 of the 2019 Annual Town Meeting (Fuel Farm Rehab)	\$1,150,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Costs associated with groundwater soil investigation)	\$3,000,000

Airport Retained Earnings	Airport Capital Projects, Article 20 of 2019 Annual Town Meeting (Security System Upgrades)	\$230,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Costs associated with the direct digital control system, for terminal geothermal)	\$500,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2021 Annual Town Meeting (Costs associated with purchase of second bus for airport operations; replacement of Aircraft Rescue Firefighting (ARFF) turnout gear)	\$154,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2021 Annual Town Meeting (Costs associated with airport maintenance and equipment)	\$315,000
Airport Retained Earnings	Airport Enterprise Fund, Operating to fund Town of Nantucket General Fund payment	\$500,000
Airport Retained Earnings	Airport Enterprise Fund, Operating Budget	\$500,000
Airport Retained Earnings	Airport Enterprise Fund, Salaries & Wages Budget	\$100,000
Sewer Retained Earnings	Sewer: Salaries Budget	\$211,770

ARTICLE 24

(Appropriation: Waterways Improvement Fund)

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91 section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance , dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-seven Thousand Dollars (\$367,000) be appropriated from the Waterways Improvement Fund for the

purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

ARTICLE 25

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Seven Hundred Forty-two Thousand Nine Hundred Ninety-two Dollars (\$742,992) be appropriated from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager.

ARTICLE 26

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Seventy-five Thousand Dollars (\$275,000) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

ARTICLE 27

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2023, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy-four Thousand Seven Hundred Seven Dollars (\$174,707); or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy-four Thousand Seven Hundred Seven Dollars (\$174,707) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town to fund the Fiscal Year 2023 county assessment.

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2023 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2023 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article

ARTICLE 29

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the unused borrowing authority for the following projects be rescinded:

DEPARTMENT	ITEM	ARTICLE/TOWN MEETING	AMOUNT TO BE RESCINDED
Airport Enterprise Fund	Airport Runway Resurfacing	Article 12/ATM 2011	\$300,000.00
Airport Enterprise Fund	Airfield Equipment	Article 12/ATM 2011	\$250,000.00
Airport Enterprise Fund	Airport Ramp Rehabilitation	Article 12/ATM 2014	\$1,000,000.00
Airport Enterprise Fund	Airport Security System Upgrades	Article 12/ATM 2014	\$274,656.00
Airport Enterprise Fund	High Speed Snowplow/Blower	Article 14/ATM 2015	\$214,481.00
Airport Enterprise Fund	Airport Ramp Rehabilitation	Article 14/ATM 2015	\$1,025,000.00
Airport Enterprise Fund	Air Traffic Control	Article 14/ATM 2015	\$928,025.00
Airport Enterprise Fund	Preparation of Environmental Impact Report	Article 14/ATM 2015 & Article 12/ATM 2017	\$750,000.00
Airport Enterprise Fund	Fixed Base Operations Site Relocation/Rehabilitation	Article 14/ATM 2015	\$55,000.00
Airport Enterprise Fund	Utility Vehicle	Article 14/ATM 2015	\$65,000.00
Airport Enterprise Fund	Airport Terminal Luggage Bag Belt	Article 12/ATM 2017	\$200,000.00
Airport Enterprise Fund	Airport Apron Area 3 & Perimeter Fencing	Article 5/STM 2017	\$403,000.00
Airport Enterprise Fund	Airport Equipment & Vehicles	Article 12/ATM 2018	\$60,000.00
Airport Enterprise Fund	Airport Automatic Door Replacement	Article 12/ATM 2018	\$102,000.00
Airport Enterprise Fund	Airfield Lighting	Article 12/ATM 2018	\$1,140,000.00
Airport Enterprise Fund	Great Harbor Yacht Club Pipeline Support Removal	Article 20/ATM 2019	\$116,000.00
Airport Enterprise Fund	Memorial Airport Sewer Connection Upgrade	Article 20/ATM 2019	\$102,420.00
Airport Enterprise Fund	Airfield Maintenance	Article 20/ATM 2019	\$36,000.00
Airport Enterprise Fund	Airport Maintenance and Equipment	Article 16/ATM 2020	\$188,000.00
Airport Enterprise Fund	Operations & Airport Rescue and Fire Fighting (ARFF) Equipment	Article 16/ATM 2020	\$250,000.00

ARTICLE 30

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2023.

Or, to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town; and that Five Hundred Thousand Dollars (\$500,000) be

transferred from Certified Free Cash in the Treasury to be deposited by the Treasurer into the Other Post-Employment Benefits Trust Fund.

ARTICLE 31

(Appropriation: Fiscal Year 2023 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Twenty-five Thousand Dollars (\$25,000) be transferred from the Overlay Surplus Account for the purpose of supporting the Senior Work-off program pursuant to Massachusetts General Laws Chapter 59, section 5k for the Town of Nantucket for Fiscal Year 2023.

ARTICLE 32

(Marijuana Cultivation Host Community Payments - Special Purpose Stabilization Fund for Substance Abuse Efforts)

To see if the Town will vote to amend the prior votes under Article 28 of the 2021 Annual Town Meeting and Article 30 of the 2018 Annual Town Meeting by dedicating 100% of any marijuana cultivation host community payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting; or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the prior votes under Article 28 of the 2021 Annual Town Meeting and Article 30 of the 2018 Annual Town Meeting are hereby amended by dedicating 100% of any marijuana cultivation host community payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 33

(Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board for Airport Commission)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 34

(Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Town Employee Accrued Liability Special Purpose Stabilization Fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Town of Nantucket General Fund (excluding the School Department), such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Million Five Hundred Thousand Dollars (\$1,500,000) be transferred from Certified Free Cash in the Treasury to be deposited by the Treasurer into the Special Purpose Stabilization Fund for Town Employee Accrued Liabilities.

ARTICLE 35

(Appropriation: Fiscal Year 2023 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
First Congregational Church-Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the rotting exterior trim, doors and siding	\$84,571
Landmark House- Nantucket Community Service Inc. To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority, Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction.	\$342,367

Sconset Trust Inc.-Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of the oldest lighthouses operational in the United States.	\$251,100
Nantucket Island School of Design & the Arts, Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos; \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors. \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	

<u>Open Space Conservation/Recreation</u>	
Nantucket Racket Sports Association Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms.	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm.	\$59,850
Sub-total	\$1,039,850
\$152,900 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$3,568,389</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation Surcharge	\$2,478,000
From State matching funds for FY 2023, to be received in 2022	\$600,000
From Interest	\$20,000
From designated reserves for Open Space	\$152,900
From Undesignated Reserves	\$317,489

Total Revenues	\$3,568,389
<p>For fiscal year 2023 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.</p> <p>Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.</p>	

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2023 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2023 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

Purpose	Amount
<u>Historic Preservation</u>	
First Congregational Church - Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the rotting exterior trim, doors and siding	\$84,571
Landmark House - Nantucket Community Service Inc. To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority - Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction	\$342,367
Sconset Trust Inc.- Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to	

preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of the oldest lighthouses operational in the United States	\$251,100
Nantucket Island School of Design & the Arts - Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos: \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors: \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing	\$350,000
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing	\$350,000
Sub-total	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	

Nantucket Racket Sports Association Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm	\$59,850
Sub-total	\$1,039,850
\$152,900 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$3,568,389</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation Surcharge	\$2,478,000
From State matching funds for FY 2023, to be received in 2022	\$600,000
From Interest	\$20,000
From designated reserves for Open Space	\$152,900
From Undesignated Reserves	\$317,489
<u>Total Revenues</u>	<u>\$3,568,389</u>

For fiscal year 2023 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

ARTICLE 36

(Community Preservation Committee: Fiscal Year 2022 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00
Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the unspent funds of projects from prior years as listed below be transferred between the various accounts as follows:

FROM	TO	AMOUNT
Article 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00
Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

ARTICLE 37

(Appropriation: Community Preservation Trust for Affordable Housing Trust Fund)

To see if the Town will appropriate a sum of money to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter into leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action relative thereto

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the sum of Five Million Dollars (\$5,000,000) be appropriated under the Community Preservation Act Community Housing Program to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. c. 44B and 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. In conjunction with the development of affordable housing, the Town is authorized to enter into leases, subleases and any other similar arrangements to carry out the purposes of this vote with the Town's Affordable Housing Trust. While the bonds issued pursuant to this vote shall be general obligations of the Town, it is the intent of Town Meeting that the principal and interest thereon shall be paid from Community Preservation Act revenue. Any affordable housing units developed pursuant to this vote shall be available to tenants with incomes of not less than 30% or more than 200% of area median income for the Town, as most recently determined by the United States Department of Housing and Urban Development.

ARTICLE 38

(Appropriation: Shredder for Solid Waste)

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) from Free Cash and or the General Fund or any other source to purchase a Shredder for Solid Waste Recycle & MRF before the Waste Service Agreement ends at the land fill.

(Clifford J. Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 39

(Bylaw: Short-term Rental Regulations)

To see if the Town will vote to amend the General Bylaws of the Code of the Town of Nantucket by adding a new Chapter 123 entitled "Short-Term Rental Registration" to read as follows:

Chapter 123

Short-term Rental Registration

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.

§123-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. "Short-Term Rental" shall mean a dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short-Term Rental.
- B. "Operator" shall mean a person operating a Short-Term Rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental. It is the intent of this bylaw that the Operator shall have the same meaning as set forth in General Laws c. 64G, §1.
- C. "Transient Residential Facility" shall have the same meaning as in Chapter 139 of the Town Code.

§ 123-3. Registration, Permitting, Inspection and Fees.

A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.

B. The annual fee for such Certificate of Registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the Certificate of Registration shall include an attestation that the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for the Operator and persons designated to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a certificate of insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by the regulations issued pursuant to §123-4.

E. Operators are subject to inspection of the Short-Term Rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. Certificates of Registration are valid for one year and may be renewed at the discretion of the Town, provided that the Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year. An application for renewal of a Certificate of Registration shall be submitted along with the annual fee no later than November 1st of the next year.

G. The Certificate of Registration is issued to the Operator and does not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new application for a Certificate of Registration shall be filed by the new Operator before Short-Term Rentals can continue or resume.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this Chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the Short-Term Rental does create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 1 of the Town Code). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Operator or the owner of the property by the Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Operator may, at the discretion of the Board of Health and after a hearing, disqualify that Operator from obtaining a Certificate of Registration for a period of up to three years.

D. In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this Chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 123-7. Effective date.

The provisions of this Chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later.

Or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 123 (Short-term Rental Registration) hereby is added to the Code of the Town of Nantucket:

Chapter123

Short-term Rental Registration

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.

§123-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- D. "Short-Term Rental" shall mean a dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short-Term Rental.
- E. "Operator" shall mean a person operating a Short-Term Rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental. It is the intent of this bylaw that the Operator shall have the same meaning as set forth in General Laws c, 64G, §1.
- F. "Transient Residential Facility" shall have the same meaning as in Chapter 139 of the Town Code.

§ 123-3. Registration, Permitting, Inspection and Fees.

- A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.
- B. The annual fee for such Certificate of Registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the Certificate of Registration shall include an attestation that the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for the Operator and persons designated to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a certificate of insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by the regulations issued pursuant to §123-4.

E. Operators are subject to inspection of the Short-Term Rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. Certificates of Registration are valid for one year and may be renewed at the discretion of the Town, provided that the Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year. An application for renewal of a Certificate of Registration shall be submitted along with the annual fee no later than November 1st of the next year.

G. The Certificate of Registration is issued to the Operator and does not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new application for a Certificate of Registration shall be filed by the new Operator before Short-Term Rentals can continue or resume.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this Chapter. Such regulations may also include but are not limited to requirements to ensure that the operation of the Short-Term Rental does create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

A. Whoever violates any provision of this bylaw or a regulation promulgated

hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 1 of the Town Code). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Operator or the owner of the property by the Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Operator may, at the discretion of the Board of Health and after a hearing, disqualify that Operator from obtaining a Certificate of Registration for a period of up to three years.

D. In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this Chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 123-7. Effective date.

The provisions of this Chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later.

FINANCE COMMITTEE COMMENT: The Finance Committee notes that this article is a companion to Article 42 and recommends Motion to Adopt for both articles. While the details of Article 39 have yet to be determined, the Finance Committee believes it is important to have this framework for the Select Board, Board of Health and future Town Meetings to establish community guidelines with respect to Short Term Rentals.

ARTICLE 40

(Bylaw Amendment: Finances/Creation of New Revolving Account - Short-Term Rental Registration Program)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket by adding a new Revolving Account for Short-Term Rentals to read as follows:

Fund	Revenue Source	Authority to Spend	Use of Funds
Short-Term Rentals	Fees from Certificates of Registration	Town Manager with Approval of the Board of Health	Administration of Certificate of Registration Program

Or to take any action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket is hereby amended by adding a new Revolving Account for Short-Term Rentals to read as follows:

Fund	Revenue Source	Authority to Spend	Use of Funds
Short-Term Rentals	Fees from Certificates of Registration	Town Manager with Approval of the Board of Health	Administration of Certificate of Registration Program

ARTICLE 41

(Short-term Rental Revolving Account: Spending Limits for FY 2023)

To see what spending limits the Town will establish for the Short-term Rental revolving account established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2023; or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town set the spending limits for the short-term rental revolving fund established pursuant to Section 19-21 (Revolving accounts established) of the Town Code as follows:

<i>FUND</i>	<i>SPENDING LIMIT</i>
Short-term Rental	\$200,000

ARTICLE 42

(Zoning Bylaw Amendment: Short Term Rentals)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend Zoning Bylaw, Section 2A (definitions) to as follows, with new definitions to be inserted in alphabetical order:

APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot ... with no commercial or other uses. The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term rentals in all or a portion of the dwelling units. Apartment Building(s) shall be allowed in the following districts:...

SHORT TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short Term Rental.

Short-Term Rentals are allowed as of right on residential properties including, but not limited to, a primary, secondary, tertiary, duplex, or accessory dwelling, apartment, apartment building(s), and garage apartments, unless specifically prohibited in a special permit issued by the Planning Board in accordance with this bylaw.

2. Amend Section 8D(2) and 8D(3) by adding a new subsection (e) in each, as follows:

(e) The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term Rentals in all or a portion of the dwelling units on the lots subject to the special permit.

3. Amend Section 15 as follows:

In addition to the principal buildings, structures or uses permitted in a district, there shall be allowed in that district, as accessory uses, such activities as are subordinate and customarily incident to such permitted uses including, but not limited to, the rental of rooms within an owner-occupied dwelling unit.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*, provided that Article 39 is also approved by a vote of Town Meeting:

1. Amend Zoning Bylaw, Section 2A (definitions) to as follows, with new definitions to be inserted in alphabetical order:

APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot ... with no commercial or other uses. The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term rentals in all or a portion of the dwelling units. Apartment Building(s) shall be allowed in the following districts:...

SHORT TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short Term Rental.

Short-Term Rentals are allowed as of right on residential properties including, but not limited to, a primary, secondary, tertiary, duplex, or accessory dwelling, apartment, apartment building(s), and garage apartments, unless specifically prohibited in a special permit issued by the Planning Board in accordance with this bylaw.

2. Amend Section 8D(2) and 8D(3) by adding a new subsection (e) in each, as follows:

(e) The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term Rentals in all or a portion of the dwelling units on the lots subject to the special permit.

3. Amend Section 15 as follows:

In addition to the principal buildings, structures or uses permitted in a district, there shall be allowed in that district, as accessory uses, such activities as are subordinate and customarily incident to such permitted uses including, but not limited to, the rental of rooms within an owner-occupied dwelling unit.

PLANNING BOARD COMMENT: Short and long term vacation rentals have historically been accepted as a traditional land use on Nantucket. However, the use of property as a short term rental has recently been challenged, leaving the use subject to an interpretation made by the Building Commissioner, and most likely settled by the outcome of pending litigation if local action through Town Meeting fails to occur. Establishing short term rentals as an allowed use in the Zoning Bylaw will set a baseline and remove any ambiguity as to the use being allowed or not. Providing some certainty to the approximately 1,800 property owners with a registered short term rental through the State is prudent to avoid additional litigation between individual homeowners, as well as the Town. The General Bylaw companion article to this, #39, includes provisions to allow for data collection and addresses nuisance and other issues as authorized by Chapter 337 of the Acts of 2018 (known as the short term rental legislation) that are not easily addressed through zoning.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 43

(Zoning Bylaw Amendment: Protective Rights to Short-Term Rentals)

PREAMBLE:

Tourism has been a pillar of the Nantucket economy for decades. Generations of Nantucket families have made or supplemented their incomes by welcoming and serving visitors in many ways, including renting their homes. However, a recent Massachusetts Supreme Judicial Court decision (*Styller v. Lynnfield*) threatens the ability of Nantucket residents to rent their homes on a short-term basis (stays of less than 30 days). In the *Styller* decision, the state's highest court ruled that zoning bylaws, such as Nantucket's, do not allow short-term rentals in residential zoning areas.

In order to address the impact of the *Styller* decision, this zoning article clearly defines and protects residents' rights to short-term rent their homes. It ensures that Nantucket residents can continue to short-term rent their own property even in residential zoning areas. This article also clearly allows for seasonal residents to short-term rent, while discouraging the conversion of neighborhood homes into purely commercial short-term rental businesses by off-island corporate investors. This article only applies to short-term stays - any rental of one month or longer is not affected.

The purpose of this article is to protect Nantucket homeowners, while also seeking to protect our neighborhoods and housing. We can do that by helping to manage and sustain economic growth and honor our tourism tradition by preserving our community's character.

ARTICLE:

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with

the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.
(Original in black with changes shown in red)

§139-2 DEFINITIONS AND WORD USAGE

SHORT TERM RENTAL

Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.

§139-15 ACCESSORY USES

In addition to the principal buildings, structures and uses permitted in a district, there shall be allowed in that district as accessory uses, such activities as are subordinate and customarily incident to such permitted uses.

Short-Term Rentals shall be permitted as Accessory Uses in all residential districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, VR, LUG-1, LUG-2, LUG-3, MMD) as follows: (1) Residents may use their primary residence for Short-Term Rentals by right; and (2) as of January 1, 2023, non-Residents may use their dwelling units for Short-Term Rentals upon issuance of a Special Permit from the Zoning Board of Appeals upon a finding that the proposed Short-Term Rental is an Accessory Use as defined in this Bylaw. As of January 1, 2023, all other use of Short-Term Rentals in residential districts is prohibited. For the purposes of this provision, a "Resident" is a person whose primary residence is Nantucket as determined by federal tax filings.

(Tobias Glidden, et al)

Technical Note: the proposed text for the purposes of printing are shown as highlighted in gray (not red).

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: This article does not accomplish the stated intent, which would require substantial revisions to correct. In addition, terminology contained in the article is inconsistent with terms that are defined in the Zoning Bylaw, thereby creating an ambiguous interpretation issue which may continue to lead to appeals and litigation - a problem that Article 42 would address. The requirement in this proposed Bylaw to provide federal tax filings creates a privacy issue, as all documents submitted as part of an application filing become a public record. Last, but not least, the proposed requirement that a special permit must be issued by the Zoning Board of Appeals for any "non-resident" owned property would create an unprecedented application volume that could not be dealt with in the timeframe required by MGL Chapter 40A §9 and §11.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 44

(Zoning Map Change: R-1 to R-5L - Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 45

(Zoning Map Change: RC to CN - Washington Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 45 RC to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 45 RC to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 46

(Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L - Bartlett Farm Road and Mioxes Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road

65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5, R-5L, R-10, or R-10L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5L” dated February 2022 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 47

(Zoning Map Change: RC-2 to R-5L, R-10 or CTEC - Clara Drive and Raceway Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5 Limited (R-5L), Residential 10 (R-10) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	272	6	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L, R-10 or CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 Limited (R-5L) district:

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
66	272	6	Raceway Drive

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L and R-10” dated February 2022 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 48

(Zoning Map Change: RC-2 to CTEC - 26 Bartlett Road and 1 Perry Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 49

(Zoning Map Change: RC-2 to CN - Nobadeer and Sun Island Roads)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 49 RC-2 to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 49 RC-2 to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 50

(Zoning Bylaw Amendment: Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

TERTIARY DWELLING

(1) The tertiary dwelling shall be in the same ownership as at least one other owner-

occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding ~~650~~ 900 square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than ~~650~~ 900 square feet and the dwelling unit shall not contain more than ~~650~~ 900 square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ 900 square feet of gross floor area.
- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
 - (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-

occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

(2) A third dwelling unit located on a lot, including the following options:

- (a) A garage apartment not exceeding 650 900 square feet of gross floor area.
- (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than 650 900 square feet and the dwelling unit shall not contain more than 650 900 square feet of gross floor area.
- (c) A detached building containing not more than 650 square feet of ground cover and not more than 650 900 square feet of gross floor area.

...

PLANNING BOARD COMMENT: The Board determined that the allowance of an additional 250 square feet would allow for greater flexibility in design, particularly within existing structures, and may provide for a unit size that creates opportunities for families that is not possible within 650 square feet. The Board notes that the overall bedroom limitation per lot is not increased by this proposed change in unit size.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 51 (Zoning Bylaw Amendment: Tertiary Lot)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

A lot created by the division of the original lot into three lots pursuant to § 139-8C. The tertiary lot, in addition to one of the secondary lots, shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form,

except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

D. Special permit to create tertiary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
 - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § 139-8C of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.
 - (c) The lot shall not be subject to the tertiary dwelling requirements contained within §139-2 of this chapter.

- (d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.
- (e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows:
 - [1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;
 - [2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;
- (g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.
- (h) The lots shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § 139-8C shall not apply to flex development and open space residential development options (§ 139-8A).

(6) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

A lot created by the division of the original lot into three lots pursuant to § 139-8D. The tertiary lot, in addition to one of the secondary lots, shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

D. Special permit to create tertiary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
 - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § 139-8C of this chapter, shall be

subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.

- (c) The lot shall not be subject to the tertiary dwelling requirements contained within §139-2 of this chapter.
- (d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.
- (e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows:
 - [1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;
 - [2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;
- (g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.
- (h) The lots shall share a single driveway access. The

Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § 139-8D shall not apply to flex development and open space residential development options (§ 139-8A).

(6) Section 139-16D, Regularity formula, shall not apply to this § 139-8D.

PLANNING BOARD COMMENT: The addition of a tertiary lot provision to the Bylaw will provide another opportunity for the creation of Nantucket Housing Needs Covenant lots, without adding additional density or ground cover. The Board felt it important to introduce this concept in districts with larger minimum lot sizes where there is ample room for parking. The secondary lot provision of the Bylaw has been successful in creating year-round income restricted dwelling units and this proposal will provide another option.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 52

(Zoning Bylaw Amendment: Workforce Homeownership Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

(1) Requirements

- (a) The following requirements shall apply to workforce homeownership housing bonus lots in the R-5 and R-10 Zoning Districts...

(2) Workforce homeownership housing bonus lots.

(a) ...

- [1] The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33 in the R-5 district and by a factor of 1.2 in the R-10 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(3) Requirements

- (b) The following requirements shall apply to workforce homeownership housing bonus lots in the R-5 and R-10 Zoning Districts...

(4) Workforce homeownership housing bonus lots.

(a) ...

- [1] The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33 in the R-5 district and by a factor of 1.2 in the R-10 district.

PLANNING BOARD COMMENT: The expansion of the workforce homeownership housing bonus lots provision was requested by the Affordable Housing Trust Fund, and the Board determined that the R-10 district was an appropriate location for the creation of more units. With the formula recommended in this article, 3 lots conforming to the R-10 zoning district would be required to be eligible for a bonus of one additional lot for affordable housing. The existing bonus for the R-5 district is not modified as a result of this article.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 53

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (definitions) as follows:

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be

harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than ~~550~~ 800 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

TAKE-OUT FOOD ESTABLISHMENT

A commercial establishment, including a food truck, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is:

- (1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;
- (2) Available upon a short waiting time; and
- (3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TENT

A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for periods exceeding 30 days per calendar year unless a special permit has been issued by the Planning Board; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.

2. Amend section 8C(3)(d) as follows:
One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter. The Planning Board may waive this requirement by the issuance of a special permit, provided that the Board finds that the proposal is in keeping with the character of the surrounding neighborhood.
3. Amend section 16D as follows:

Regularity formula.

- (1) The regularity factor of any lot shall not be less than 0.55. The regularity factor shall be determined by the formula:

$r = 16A/p^2$ where

r = regularity factor

A = land area in square feet

p = perimeter in feet

(2) That part of the lot area in excess of the required lot area may be excluded from the regularity formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.

(3) The regularity formula shall not apply to lots recorded or endorsed prior to April 15, 1980.

(4) The Planning Board may issue a special permit to waive compliance with the regularity factor for a lot provided that the Planning Board finds that such waiver does not negatively impact access to the lots and does not result in the creation of lots that would have a negative impact on the character of the surrounding neighborhood.

4. Amend section 20.1B(2)(h) as follows:

All secondary dwellings, tertiary dwellings, and garage apartments approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling, tertiary dwelling, and garage apartment applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and that separate access is not contrary to sound traffic and safety considerations. Access to secondary dwellings, tertiary dwellings, and garage apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

5. Amend the Zoning Map by placing a portion of the following properties currently located in the Commercial Neighborhood (CN) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road

68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road
68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN” dated January 2022 and filed herewith at the Office of the Town Clerk.

6. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	338 (a portion of)		Beach Grass Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket and the Zoning Map be amended, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (definitions) as follows:

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than ~~550~~ 800 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

TAKE-OUT FOOD ESTABLISHMENT

A commercial establishment, including a food truck, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is:

- (1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;
- (2) Available upon a short waiting time; and
- (3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TENT

A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for periods exceeding 30 days per calendar year unless a special permit has been issued by the Planning Board; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.

2. Amend section 8C(3)(d) as follows:

One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter. The Planning Board may waive this requirement by the issuance of a special permit, provided that the Board finds that the proposal is in keeping with the character of the surrounding neighborhood.

3. Amend section 20.1B(2)(h) as follows:

All secondary dwellings, tertiary dwellings, and garage apartments approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling, tertiary dwelling, and garage apartment applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and that separate access is not contrary to sound traffic and safety considerations. Access to secondary dwellings, tertiary dwellings, and garage apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

4. Amend the Zoning Map by placing a portion of the following properties currently located in the Commercial Neighborhood (CN) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
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68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN” dated January 2022 and filed herewith at the Office of the Town Clerk.

5. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	338 (a portion of)		Beach Grass Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN” dated January 2022 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 54

(Zoning Bylaw Amendment: Swimming Pool Use Chart - Residential and Hot Tub/Spa)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Amend Section 7A (use chart) by adding a new line after Swimming Pool - Residential entitled “Hot Tub/Spa” and inserting “N” in the ROH SOH column and “A” in each other column under the respective zoning districts across the chart except for zoning district CI: “N” and zoning districts V-R and MMD: SP

;or otherwise to act thereon

(Anne Dewez, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board discussed this article at length and determined that additional public input is needed from the affected property owners within the ROH and SOH districts. Although a survey may be completed prior to Town Meeting, it was not underway as of the date of the Planning Board public hearing.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 55

(Zoning Bylaw Amendment: Swimming Pool Definition - Residential and Hot Tub/Spa)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Amend section 2A (definitions) as follows:

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and equal to or less than ~~150~~ 64 square feet of water surface area, and equal to or less than 1000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SWIMMING POOLS - RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding ~~150~~ 64 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment. In the R-1, SR-1, R-5 and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment.

;or otherwise to act thereon

(Anne Dewez, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board discussed this article at length, and while the citizen petitioner represented that it was intended to impact properties in the ROH and SOH districts, the proposed changes would apply to all zoning districts where residential swimming pools are permitted. The real or perceived impacts from hot tubs/spas and/or residential swimming pools are not consistent across all zoning

districts, with 96.61% of the island land area being within a moderate to low density district.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 56

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket by striking the following language (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

1. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
 - In the VR District only...
 - ~~– In the R-1, SR-1, R-5, and R-5L, districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.~~
2. ~~Amend Section 139-7A (Use Chart) by replacing “A” with “A with lot \geq 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.~~

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has been in effect for less than a year.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 57

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

3. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
 - In the VR District only...
 - In the R-1, SR-1, R-5, and R-5L, districts only, the following criteria must be met: (1) a minimum lot area of ~~7,500~~ 6,000 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.
4. Amend Section 139-7A (Use Chart) by replacing “A” with “A with lot \geq ~~7,500~~ 6,000 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has been in effect for less than a year.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 58

(Zoning Bylaw Amendment: Definitions and Word Usage)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions and Word Usage - Apartment) by adding the following highlighted paragraph:

APARTMENTS - A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy

more than 50% of the first floor area of the commercial structure(s). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

- (1) CDT - One dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) CMI - One dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) CN - One dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) CTEC - One dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) CI - One dwelling unit is permitted for each 5,000 square feet of lot area.

The Planning Board may waive the density as set forth in the schedule above by special permit.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

APARTMENTS - A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

- (1) CDT - One dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) CMI - One dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) CN - One dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) CTEC - One dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) CI - One dwelling unit is permitted for each 5,000 square feet of lot area.

The Planning Board may waive the lot area requirements as set forth in the schedule above through the issuance of a special permit, based on the finding that not more than one additional unit than would otherwise be allowed, not to exceed a total of four, may be constructed.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 59

(Zoning Bylaw Amendment: Storage Container by Special Permit in CMI)

To see if the Town will vote to amend Zoning Bylaw Section 139-7A (Use Chart) by deleting "N" and replacing it with "SP" in the Commercial-Mid-Island (CMI) column.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that the general character of the area zoned CMI is not consistent with the more industrial character of other areas where storage containers are allowed by special permit. The Board notes that the minimum lot size in CMI is 5,000 square feet, which is not conducive to effective screening from abutting properties and the surrounding streets. Commercial sheds are permitted in CMI and are more appropriate than storage containers given the size of the lots and character of the areas in which they are located.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 60

(Zoning Map Change: R-20 to R-10L - Nobadeer Way)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way

68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

- (1) To place the foregoing properties noted, currently in the Residential-20 (R-20) zoning district, into the Residential-10 Limited (R-10L) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Residential 10 (R-10) district:

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 60 R-20 to R-10L" dated February 2022 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 61

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	1032	105	Old South Road
68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial Neighborhood) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(James Jackson, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
68	1032	105	Old South Road
68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South Road

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 61 R-20 to CTEC dated February 2022 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 62

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road)

To see if the Town will vote to:

On Map 68, Lot 208, Old South Road, to Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial trade, Entrepreneurship and craft) and/or CN (Commercial - Neighborhood) zoning district.

As shown on the attached map.

; or otherwise act thereon.

(Julie Bunting, et al)

PLANNING BOARD MOTION: Moved to take no action.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 63

(Zoning Map Change: LUG-2 to R-5 or CN - 44 Skyline Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) zoning district into either the Residential-5 (R-5) or Commercial Neighborhood (CN) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The citizen petitioner represented to the Planning Board that their intent with this rezoning is to work with the Affordable Housing Trust Fund to create housing opportunities for year-round residents. No formal plans, agreements, or partnerships were finalized as of the date of the Planning Board public hearing, therefore, the Board found it was premature to support this rezoning.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of a positive motion is 2/3

**ARTICLE 64
(Bylaw Amendment: Animals)**

To see if the Town will vote to amend Chapter 55 (Animals) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 55
Animals

§55-4 Regulations.

D. Leash law.

No person within the confines of the Town shall at any time permit a dog owned or kept by such keeper to run at large beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash, with the exception of the area within the confines of the fenced-in areas of the Nantucket Islands Land Bank Dog Park. Dogs must be leashed before entering and after leaving the fenced areas of the Dog Park but may, at the discretion of the owner, be taken off leash within the enclosed areas.

F. Nuisances.

(1) No person shall keep within the limits of the Town of Nantucket any dog or pet which by barking, biting, howling, whining or in any manner disturbs the peace and quiet of any person. No person shall own or keep in the Town of Nantucket any bird or fowl, which by screeching or crowing or by any other manner disturbs the peace and quiet of any person(s).

(2) No person shall own or keep any animal that is found to run at large beyond the confines of the property of the owner or keeper, or does commit any nuisance, disturbs the peace and quiet of any neighborhood, or endangers the safety of any person(s).

(3) The owner of any dog or pet which endangers the safety of any person or other animal by biting or causing property damage shall be subject to immediate violations, penalties or quarantine. Subsequent offenses shall result in their removal from the Town of Nantucket, or shall be euthanized if deemed to be dangerous.

(4) Any dog or pet found to run at large beyond the confines of the property of the owner, tenant, lessee or keeper after a third offense of Chapter 55, § 55-4D, shall also be subject to nuisance violation penalties thereafter, except as exempted within the confines of the enclosed areas of Nantucket Islands Land Bank Dog Park as provided for in § 55-4D above.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 55 (Animals) of the Code of the Town of Nantucket is hereby amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

**Chapter 55
Animals**

§55-4 Regulations.

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(3) The owner of any dog or pet which endangers the safety of any person or other animal by biting or causing property damage shall be subject to immediate violations, penalties or quarantine. Subsequent offenses shall result in their removal from the Town of Nantucket or shall be euthanized if deemed to be dangerous.

(4) Any dog or pet found to run at large beyond the confines of the property of the owner, tenant, lessee or keeper after a third offense of Chapter 55, § 55-4D, shall also be subject to nuisance violation penalties thereafter, except as exempted within the confines of the enclosed areas of Nantucket Islands Land Bank Dog Park as provided for in § 55-4D above.

ARTICLE 65

(Bylaw Amendment: Committees/Agricultural Commission)

To see if the Town will vote to amend Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by*

strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).

§ 11-24. Purpose.

The Nantucket Agricultural Commission is established to represent the Nantucket farming community; the mission of which Commission shall be to promote agricultural-based economic opportunities; preserve, revitalize and sustain the Nantucket agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

§ 11-25. Activities.

~~The Commission shall consist of five members appointed by the Select Board, with two members being appointed for a term of three years; two members for a term of two years; and one member for an initial term of one year, and two years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~
The Nantucket Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community, and shall take on any other duties as voted by the town, or requested by the Select Board or as may further the purposes of said Commission.

§ 11-26. Membership.

~~The Commission shall consist of seven members appointed by the Select Board, with three members being appointed for a term of three years; two members for an initial term of two years and three years thereafter upon expiration of the initial term; and two members for an initial term of one year, and three years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another three who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~

The Commission shall consist of five members appointed by the Select Board for three-year staggered terms. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) of the Code of the Town of Nantucket is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

§ 11-24. Purpose.

The Nantucket Agricultural Commission is established to represent the Nantucket farming community; the mission of which Commission shall be to promote agricultural-based economic opportunities; preserve, revitalize and sustain the Nantucket agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

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~~The Commission shall consist of five members appointed by the Select Board, with two members being appointed for a term of three years; two members for a term of two years; and one member for an initial term of one year, and two years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~

The Nantucket Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community, and shall take on any other duties as voted by the town, or requested by the Select Board or as may further the purposes of said Commission.

§ 11-26. Membership.

~~The Commission shall consist of seven members appointed by the Select Board, with three members being appointed for a term of three years; two members for an initial term of two years and three years thereafter upon expiration of the initial term; and two members for an initial term of one year, and three years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another three who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~

The Commission shall consist of five members appointed by the Select Board for three-year staggered terms. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.

ARTICLE 66

(Nantucket Historical Commission: Membership)

To see if the Town would vote to amend the vote taken pursuant to Article 32 of the April 13, 2005 Annual Town Meeting, by changing the number of members of the Nantucket Historical Commission from five members to seven members in accordance with chapter 40 section 8D. There shall be no Alternate members of the Historical Commission. As the current terms of Alternate members expire, no additional Alternate members shall be appointed.

(Select Board for Nantucket Historical Commission)

FINANCE COMMITTEE MOTION: Moved that the membership of the Nantucket Historical Commission is hereby increased from five members to seven members; and, that there shall be no alternate positions. As the terms of alternate members expires, no additional alternate members shall be appointed.

ARTICLE 67

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 127

Streets and Sidewalks

Article II Obstructions on Sidewalks, **Streets, Bicycle Paths or Ways**

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) of the Code of the Town of Nantucket is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 127

Streets and Sidewalks

Article II Obstructions on Sidewalks, Streets, Bicycle Paths or Ways

ARTICLE 68

(Cemetery Regulations)

To see if the Town will vote, pursuant to General Laws Chapter 114, Section 23, to approve the following Cemetery Regulations, as adopted by the Cemetery Commissioners, and to insert the regulations as Chapter 234 in the Town's Regulations:

I. General Rules

Town Cemeteries are open daily from dawn to one-half hour after sunset.

The License Holder (owner of a lot) is limited to interring human remains or cremated human remains in that site. The owner also has a limited right to place a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.

Cemeteries are places for contemplation and quiet reflection. They are not recreation areas. Please respect these sacred grounds and use common sense: No loud noise, bad behavior or trash.

No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.

Gravestone repairs require prior authorization of the Cemetery Commission or its designated agent. Rubbings are not permitted. Take photographs only.

Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veteran's Day.

Dogs must be leashed at all times and be under control of their handler. Dog walkers must clean up after their dogs and must ensure that dogs do not trespass on any grave.

All trash must be removed from Town cemeteries, as there are no trash receptacles available.

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

Cremation lots are four feet (4') by six feet (6') and shall have no more than four (4) cremations in each lot.

Only one monument or marker per cremation lot will be allowed. A foundation must be placed under each monument. Only a professional who normally provides such a

service in the community shall be permitted to place the foundation and monument, unless the Commissioners explicitly waive this requirement in writing. Markers may not be set to embrace two or more grave lots. All markers shall be flush with the ground. No wooden crosses shall be allowed.

The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native boulders.

Because Polpis Cemetery is a natural setting, no additional planting will be allowed on lots.

No other structure but approved markers or monuments may be placed on a lot.

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

For the purpose of these Rules and Regulations, the following words shall have the following meaning, unless a different meaning is ascribed to such terms under the General Laws:

Cemetery - All property owned by the Town of Nantucket dedicated for the burial of deceased human remains.

Cemetery Administrator - The person charged by the Cemetery Commissioners with the day-to-day administration of Town Cemeteries in accordance with these Rules and Regulations, the directions of the Cemetery Commissioners, and applicable Federal and State laws.

Cenotaph - A monument erected in honor of persons buried at sea, or whose remains lie elsewhere.

Columbarium - A permanent structure, room or space in a mausoleum or other structure containing niches or other suitable spaces for the permanent placement of cremated human remains.

Cremated Remain - The final physical remains of a human being after having been cremated and processed.

Cremation Lot - An area of land specifically designed for the interment and placement of cremated remains only.

Cremation Niche - see Niche.

Crypt - A chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Durable Outer Container (Grave Box, Grave Liner or Vault) - All burials, except for approved green burials, of bodies and cremated remains shall be placed in a durable outer container. Durable outer containers shall be made of reinforced concrete or fiberglass and may include:

Grave Box / Grave Liner - An unsealed monolithic receptacle of two (2) or more pieces in which the casket is placed at time of burial.

Vault - A two-piece sealed receptacle for protection of the casket.

Urn Vault - A two-piece receptacle for protection an urn.

Governing Body - The Nantucket Cemetery Commission.

Grave - A space in a cemetery used or intended for use, for the in-ground burial of one (1) or more deceased persons. The size of a grave may vary as laid out by the Cemetery Commission.

Green Burial - The burial of human remains, full body or cremated, with the intention of their return to the soil through natural decay processes; green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.

Foot Marker - A flush to the ground memorial made of granite or bronze, which is placed at the foot of a grave.

Interment - The permanent placement of a dead human body either in a green burial or placed in a casket within a durable outer container and buried in the ground.

Inurnment - The permanent placement of cremated human remains in a niche, space in a columbarium, or burial in a grave.

License Holder - The original purchaser of a Right of Burial and others entitled to a Rights of Burial.

Lot - A place designated in a cemetery comprised of one or more grave spaces.

Memorial or Monument - A monument or memorial usually made of granite, a flush-to-the ground memorial usually made of bronze or granite, or a foot marker, any of which is used for commemorating the life of a deceased person.

Niche - A discrete chamber, space or recess in a columbarium used for the permanent placement of cremated human remains, encased in an urn.

Perpetual care - The activities of routine cemetery maintenance such as, but not necessarily limited to, mowing, brush cutting, repair of fences and laneways, and signage.

Perpetual Care Fund - A fund authorized by the General Laws, whereby funds are set aside, the income of which is used for the perpetual care and maintenance of the cemetery or lots therein.

Rights of Burial - The exclusive right of burial granted by the Town to a License Holder for the use of a specific grave, lot, crypt, or niche or other burial space in a cemetery.

Urn - A container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground within a durable outer container.

III. Interments and Inurnments

Lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains as full casket burials, green burials, or inurnment of cremated remains.

No interment or inurnment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the lot in which interment is to be made. No grave shall be opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.

Green burial applications, on forms specific to green burials, will be reviewed by the Department of Health for minimal environmental impact before review and potential approval by the Cemetery Commission.

Except for green burials, all interments and inurnments shall be enclosed in a durable outer container or vault.

Each grave (minimum four feet (4') by ten feet (10')) includes the right of interment of either one (1) full casket or one green burial for regular depth burial and one cremation burial.

Each grave may have additional right (provided additional fees are paid) of:

- Replacement of the cremation burial with a second full casket interment as a "double-deep" burial;
- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Additional regulations will be drafted if a niche wall is constructed.

IV. Cemetery Lots

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of Burial in a specific grave, lot, crypt, or niche or other burial space in a cemetery. The Deed may contain certain specific terms and conditions for use of the Rights of Burial and grant the right of erecting a monument or memorial on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded by the Cemetery Administrator or designee in the records maintained by the Department of Public Works in files kept for that purpose. Copies of lost deeds may be obtained by contacting the Nantucket Town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

The Cemetery Commissioners shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time. Cemetery personnel shall furnish, to those who desire to purchase Rights of Burial information relative to the cost of the same and the conditions upon which interments or inurnments may be made. See: Nantucket Cemetery Commission Schedule of Fees.

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.
- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.

- Graves for the interment of any indigent (by state definition) resident veterans are provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 115, Section 8, the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.
- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

V. Memorials

The Cemetery Commission must approve any memorial, including gravestones, markers, benches or other structures, in writing prior to installation.

- All inscriptions to be made on memorials shall be approved by the Cemetery Commission prior to carving. The Commission reserves the right to prohibit offensive language or imagery within the cemetery.
- Monument dealers, masons, stonecutters and all workmen working at any Town cemetery shall comply with the directions of the Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Nantucket will not be responsible for any errors made by any improper inscription on any memorial.

Memorial sizes shall be based on the following except at Polpis Cemetery where only flush memorials are permitted:

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide.”
- MULTIPLE Grave LOTS:
 - Two (2) grave lot: three foot (3') wide base etc.
 - Three (3) grave lot: four foot (4') long base or bench etc.
 - Four (4) grave (or more) lot: six foot (6') long base or bench etc.
- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.

- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery Commission for consideration.
- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

There may be circumstances when the strict or literal enforcement of these Rules and Regulations may impose unreasonable hardship. The Cemetery Commission reserves the right to make exceptions, suspensions, or modifications to these Rules and Regulations, without notice, whenever necessary in the judgment of the Cemetery Commissioners.

VII. Cemeteries in the Town of Nantucket

Active Town Controlled Cemeteries *(Burial rights may be available):*

Newtown Cemetery	Sparks Avenue	Space available.
Polpis Burial Ground (Cemetery)	Polpis Road	Plots to be laid out; Cremains only; flush monuments only.

Inactive Town Controlled Cemeteries *(No burial rights available for sale):*

Cemetery	Location	Status
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Founders Burial Ground	Off Cliff Road	Closed to new interments.
The Historic Coloured Cemetery	Mill Hill	No known space available.
Miacomet Indian Burial Ground	Surfside Road	Closed to new interments.
New North Cemetery	New Lane (east)	No new plots, owners only.
Old North Cemetery	New Lane (west)	No new plots, owners only.
Quaker Cemetery	Madaket Road	Closed to new interments.
(Friends Burial Ground)		

Private Cemeteries not controlled or maintained by the Town of Nantucket:

As information only, the following cemeteries are known to exist within the corporate limits, but the Town of Nantucket has no obligation or involvement therewith.

Saint Mary's Cemetery	Private, plots available.
Sconset Chapel Columbarium	Private, inurnments only.
Saint Paul's Memorial Garden	Private, ashes only.
Prospect Hill Cemetery	Private Board and regulations; plots available. Edward
Lewis Memorial Cemetery and the adjacent Jewish Cemetery on Somerset Road are private and administered by the Prospect Hill Board.	

A Cemetery owned and currently maintained by the Nantucket Conservation Foundation:

Quaise Asylum Burial Ground	Polpis Road	Closed to new interments.
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VIII. Fees

The Cemetery Commission shall adopt a schedule of fees for the sale of Rights of Burial and other rights and services provided by the Cemetery Commission, which may be amended from time to time. All Rights of Burial must be paid for in full at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments, inurnments or improvements shall be made to a lot, and no deeds shall be issued, until the Rights of Burial have been paid in full.

The following prices have been established by the Nantucket Cemetery Commission for the sale of Burial Rights in plots laid out in Town owned cemeteries.

Newtown Cemetery

Newtown Cemetery can accommodate both full casket burials and also offers Cremation Lots.

Single Lot (4' x 10')	\$1200.00
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Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

Double Deep Option - At time of lot purchase \$600.00 additional: \$1800.00

This option will accommodate two full casket burials. The first burial will be at a depth of eight feet (8'). This option offers replacement of the second full casket with inurnment of up to four (4) cremated remains.

Cremation Lots (4' x 6') \$900.00

Each Cremation lot will accommodate up to four (4) inurnments. Flush monuments only will be allowed on Cremation Only Lots.

Polpis Burial Ground

Only cremation burials are allowed at Polpis. Each lot includes the right of inurnment of up to four (4) cremated remains. Only flush monuments are allowed at Polpis.

Single Lot (4' x 6') \$900.00

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Rules and Regulations adopted by the Nantucket Cemetery Commission and approved by the Nantucket Town Meeting govern operation of Town owned cemeteries.

All plots include perpetual care. Plot cost does not include services to open and close graves or funeral services.

(Select Board for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved that Cemetery Regulations for the Town of Nantucket are hereby adopted as Chapter 234 of the Town's Regulations as follows, pursuant to General Laws Chapter 114, Section 23:

I. General Rules

Town Cemeteries are open daily from dawn to one-half hour after sunset.

The License Holder (owner of a lot) is limited to interring human remains or cremated human remains in that site. The owner also has a limited right to place a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.

Cemeteries are places for contemplation and quiet reflection. They are not recreation areas. Please respect these sacred grounds and use common sense: No loud noise, bad behavior or trash.

No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.

Gravestone repairs require prior authorization of the Cemetery Commission or its designated agent. Rubbings are not permitted. Take photographs only.

Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veteran's Day.

Dogs must be leashed at all times and be under control of their handler. Dog walkers must clean up after their dogs and must ensure that dogs do not trespass on any grave.

All trash must be removed from Town cemeteries, as there are no trash receptacles available.

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

Cremation lots are four feet (4') by six feet (6') and shall have no more than four (4) cremations in each lot.

Only one monument or marker per cremation lot will be allowed. A foundation must be placed under each monument. Only a professional who normally provides such a service in the community shall be permitted to place the foundation and monument, unless the Commissioners explicitly waive this requirement in writing. Markers may not be set to embrace two or more grave lots. All markers shall be flush with the ground. No wooden crosses shall be allowed.

The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native boulders.

Because Polpis Cemetery is a natural setting, no additional planting will be allowed on lots.

No other structure but approved markers or monuments may be placed on a lot.

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

For the purpose of these Rules and Regulations, the following words shall have the following meaning, unless a different meaning is ascribed to such terms under the General Laws:

Cemetery - All property owned by the Town of Nantucket dedicated for the burial of deceased human remains.

Cemetery Administrator - The person charged by the Cemetery Commissioners with the day-to-day administration of Town Cemeteries in accordance with these Rules and Regulations, the directions of the Cemetery Commissioners, and applicable Federal and State laws.

Cenotaph - A monument erected in honor of persons buried at sea, or whose remains lie elsewhere.

Columbarium - A permanent structure, room or space in a mausoleum or other structure containing niches or other suitable spaces for the permanent placement of cremated human remains.

Cremated Remain - The final physical remains of a human being after having been cremated and processed.

Cremation Lot - An area of land specifically designed for the interment and placement of cremated remains only.

Cremation Niche - see Niche.

Crypt - A chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Durable Outer Container (Grave Box, Grave Liner or Vault) - All burials, except for approved green burials, of bodies and cremated remains shall be placed in a durable outer container. Durable outer containers shall be made of reinforced concrete or fiberglass and may include:

Grave Box / Grave Liner - An unsealed monolithic receptacle of two (2) or more pieces in which the casket is placed at time of burial.

Vault - A two-piece sealed receptacle for protection of the casket.

Urn Vault - A two-piece receptacle for protection an urn.

Governing Body - The Nantucket Cemetery Commission.

Grave - A space in a cemetery used or intended for use, for the in-ground burial of one (1) or more deceased persons. The size of a grave may vary as laid out by the Cemetery Commission.

Green Burial - The burial of human remains, full body or cremated, with the intention of their return to the soil through natural decay processes; green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.

Foot Marker - A flush to the ground memorial made of granite or bronze, which is placed at the foot of a grave.

Interment - The permanent placement of a dead human body either in a green burial or placed in a casket within a durable outer container and buried in the ground.

Inurnment - The permanent placement of cremated human remains in a niche, space in a columbarium, or burial in a grave.

License Holder - The original purchaser of a Right of Burial and others entitled to a Rights of Burial.

Lot - A place designated in a cemetery comprised of one or more grave spaces.

Memorial or Monument - A monument or memorial usually made of granite, a flush-to-the ground memorial usually made of bronze or granite, or a foot marker, any of which is used for commemorating the life of a deceased person.

Niche - A discrete chamber, space or recess in a columbarium used for the permanent placement of cremated human remains, encased in an urn.

Perpetual care - The activities of routine cemetery maintenance such as, but not necessarily limited to, mowing, brush cutting, repair of fences and laneways, and signage.

Perpetual Care Fund - A fund authorized by the General Laws, whereby funds are set aside, the income of which is used for the perpetual care and maintenance of the cemetery or lots therein.

Rights of Burial - The exclusive right of burial granted by the Town to a License Holder for the use of a specific grave, lot, crypt, or niche or other burial space in a cemetery.

Urn - A container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground within a durable outer container.

III. Interments and Inurnments

Lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains as full casket burials, green burials, or inurnment of cremated remains.

No interment or inurnment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the lot in which interment is to be made. No grave shall be

opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.

Green burial applications, on forms specific to green burials, will be reviewed by the Department of Health for minimal environmental impact before review and potential approval by the Cemetery Commission.

Except for green burials, all interments and inurnments shall be enclosed in a durable outer container or vault.

Each grave (minimum four feet (4') by ten feet (10')) includes the right of interment of either one (1) full casket or one green burial for regular depth burial and one cremation burial.

Each grave may have additional right (provided additional fees are paid) of:

- Replacement of the cremation burial with a second full casket interment as a "double-deep" burial;
- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Additional regulations will be drafted if a niche wall is constructed.

IV. Cemetery Lots

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of Burial in a specific grave, lot, crypt, or niche or other burial space in a cemetery. The Deed may contain certain specific terms and conditions for use of the Rights of Burial and grant the right of erecting a monument or memorial on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded by the Cemetery Administrator or designee in the records maintained by the Department of Public Works in files kept for that purpose. Copies of lost deeds may be obtained by contacting the Nantucket Town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

The Cemetery Commissioners shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time. Cemetery personnel shall furnish, to those who desire to purchase Rights of Burial information relative to the cost of the same and the conditions upon which interments or inurnments may be made. See: Nantucket Cemetery Commission Schedule of Fees.

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.
- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.
- Graves for the interment of any indigent (by state definition) resident veterans are provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 115, Section 8, the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or

damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.

- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

V. Memorials

The Cemetery Commission must approve any memorial, including gravestones, markers, benches or other structures, in writing prior to installation.

- All inscriptions to be made on memorials shall be approved by the Cemetery Commission prior to carving. The Commission reserves the right to prohibit offensive language or imagery within the cemetery.
- Monument dealers, masons, stonecutters and all workmen working at any Town cemetery shall comply with the directions of the Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Nantucket will not be responsible for any errors made by any improper inscription on any memorial.

Memorial sizes shall be based on the following except at Polpis Cemetery where only flush memorials are permitted:

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide.”
- MULTIPLE Grave LOTS:
 - Two (2) grave lot: three foot (3’) wide base etc.
 - Three (3) grave lot: four foot (4’) long base or bench etc.
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- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.
- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery Commission for consideration.
- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home

Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

There may be circumstances when the strict or literal enforcement of these Rules and Regulations may impose unreasonable hardship. The Cemetery Commission reserves the right to make exceptions, suspensions, or modifications to these Rules and Regulations, without notice, whenever necessary in the judgment of the Cemetery Commissioners.

VII. Cemeteries in the Town of Nantucket

Active Town Controlled Cemeteries (*Burial rights may be available*):

Newtown Cemetery	Sparks Avenue	Space available.
Polpis Burial Ground (Cemetery)	Polpis Road	Plots to be laid out; Cremains only; flush monuments only.

Inactive Town Controlled Cemeteries (*No burial rights available for sale*):

Cemetery	Location	Status
Founders Burial Ground	Off Cliff Road	Closed to new interments.
The Historic Coloured Cemetery	Mill Hill	No known space available.
Miacomet Indian Burial Ground	Surfside Road	Closed to new interments.
New North Cemetery	New Lane (east)	No new plots, owners only.
Old North Cemetery	New Lane (west)	No new plots, owners only.
Quaker Cemetery (Friends Burial Ground)	Madaket Road	Closed to new interments.

Private Cemeteries not controlled or maintained by the Town of Nantucket:

As information only, the following cemeteries are known to exist within the corporate limits, but the Town of Nantucket has no obligation or involvement therewith.

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Prospect Hill Cemetery	Private Board and regulations; plots available.
Edward Lewis Memorial Cemetery and the adjacent Jewish Cemetery on Somerset Road	are private and administered by the Prospect Hill Board.

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Quaise Asylum Burial Ground	Polpis Road	Closed to new interments.
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VIII. Fees

The Cemetery Commission shall adopt a schedule of fees for the sale of Rights of Burial and other rights and services provided by the Cemetery Commission, which may be amended from time to time. All Rights of Burial must be paid for in full at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments, inurnments or improvements shall be made to a lot, and no deeds shall be issued, until the Rights of Burial have been paid in full.

The following prices have been established by the Nantucket Cemetery Commission for the sale of Burial Rights in plots laid out in Town owned cemeteries.

Newtown Cemetery

Newtown Cemetery can accommodate both full casket burials and also offers Cremation Lots.

Single Lot (4' x 10') \$1200.00

Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

Double Deep Option - At time of lot purchase \$600.00 additional: \$1800.00

This option will accommodate two full casket burials. The first burial will be at a depth of eight feet (8'). This option offers replacement of the second full casket with inurnment of up to four (4) cremated remains.

Cremation Lots (4' x 6') \$900.00

Each Cremation lot will accommodate up to four (4) inurnments. Flush monuments only will be allowed on Cremation Only Lots.

Polpis Burial Ground

Only cremation burials are allowed at Polpis. Each lot includes the right of inurnment of up to four (4) cremated remains. Only flush monuments are allowed at Polpis.

Single Lot (4' x 6') \$900.00

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Rules and Regulations adopted by the Nantucket Cemetery Commission and approved by the Nantucket Town Meeting govern operation of Town owned cemeteries.

All plots include perpetual care. Plot cost does not include services to open and close graves or funeral services.

ARTICLE 69

(Bylaw Amendment: Single-Use Plastics - Alcoholic Beverages of Less Than or Equal to 100 Milliliters)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Chapter 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single Use Plastics

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER - Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest is often a set of plastic parts such as a cap and pouring ring and internal layers or linings made from petroleum-based plastics such as polyethylene and aluminum.

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer”, “pop”, and the like.

COMMERCIAL USE - Use by a business, directly/indirectly for financial gain or convenience.

DRINKING WATER - Potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other “enhancements”.

PETROLEUM-BASED PLASTIC - Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

§ 125A-2 Sale, distribution and commercial use of petroleum-based single-use plastic products.

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- A. Straws and drink stirrers;
- B. Flexible can and bottle yokes;
- C. Drinking cups and lids;
- D. Plates, bowls and eating utensils;
- E. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- F. Single use, non-recyclable beverage pods;

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:

- G. Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;
- H. Plastic stick ear buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

- I. Containers for alcoholic beverages of less than or equal to 100 milliliters

§ 125A-3 Exemption for emergencies and other.

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.

- B. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- C. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 70

(Bylaw Amendment: Single-Use Plastics - Single-Use Plastic Fiber Tobacco Filter Products)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single Use Plastics

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER - Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest is often a set of plastic parts such as a cap and pouring ring and internal layers or linings made from petroleum-based plastics such as polyethylene and aluminum.

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as "sparkling water", "tonics", "soda water", "club soda", "tonic water", "seltzer", "pop", and the like.

COMMERCIAL USE - Use by a business, directly/indirectly for financial gain or convenience.

DRINKING WATER - Potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other "enhancements".

PETROLEUM-BASED PLASTIC - Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

§ 125A-2 Sale, distribution and commercial use of petroleum-based single-use plastic products.

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- G. Straws and drink stirrers;
- H. Flexible can and bottle yokes;
- I. Drinking cups and lids;
- J. Plates, bowls and eating utensils;
- K. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- L. Single use, non-recyclable beverage pods;

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:

- M. Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;
- N. Plastic stick ear buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

- I. Single use plastic fiber tobacco filter products.

§ 125A-3 Exemption for emergencies and other.

- D. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- E. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- F. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the

prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 71

(Bylaw Amendment: Gender Equality on Beaches)

To see if the Town will vote to: Amend the General Bylaws of the Town by adding a new section to read as follows:

“In order to promote equality for all persons, any person shall be allowed to be topless on any public or private beach within the Town of Nantucket.”

and further to authorize the Town Clerk to insert said bylaw in the appropriate section of the Town code; or to take any other action relative thereto.

(Dorothy Stover, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 66 (Coastal Areas and Open Spaces, Protection of) of the Code of the Town of Nantucket is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*.

§66-1. Purpose.

The purpose of this chapter is to protect the beaches, coastal areas and other open unimproved spaces of Nantucket by regulating activities within or upon these areas by persons whose activities are deemed to have a significant effect on the environment,

including but not limited to wildlife and recreation; on scenic views; on excessive noise; on the natural, scenic, historic and aesthetic qualities of the beach environment or other open spaces on Nantucket; on the public safety and welfare; and on the preservation of peace and good order. Such protection is extended to private as well as to public open space areas as a correlate to owners giving express or implied consent to the use of their private property for any lawful purpose thereon.

In order to promote equality for all persons, any person shall be allowed to be topless on any public or private beach within the Town of Nantucket.

FINANCE COMMITTEE COMMENT: This Article's sponsor made a reasonable argument that topless sunbathing is a matter of gender equality that is governed unequally by Town and State laws. As the Article has no discernable impact on Town finances, the Finance Committee voted to give the Article a positive recommendation, permitting Town Meeting voters to express their preference on this issue.

SELECT BOARD COMMENT: The Select Board supports the Finance Committee Comment and recommends a phased implementation.

ARTICLE 72

(Amend Town Wharf and Waterways Prohibited Activities)

To see if the Town will vote to make the following changes to Ch. 250 sec. 2.10 and 2.11:

250.2.10 Between ~~October 15~~ **October 31** and April 15, all Dinghies not servicing Vessels presently moored in the harbor shall be removed from any Town property.

250.2.11 The Town may remove after ~~October 30~~ **October 31**, any Dinghy left on Town property. Following such removal, the Harbor Master shall give notice of the removal as follows:

- (a) if the owner is known, then by mail or hand-delivery;
- (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town;
- (c) if, after thirty (30) days following the publication or written notice, the owner has failed to claim the Dinghy and reimburse the Town for removal costs, the Dinghy may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership.

Striked out text to be replaced by high-lighted text. All other text to remain as written and previously amended. Changes to go into effect upon passage.

(Campbell Sutton, et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 73

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the “Hummock Pond North” sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane
56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane
56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane
56	244	21	Hawthorne Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 73” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels located within the “Hummock Pond North” sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane
56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane
56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane

56	244	21	Hawthorne Lane
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NOTE: At its meeting on February 16, 2022, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

ARTICLE 74

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change: 44 Skyline Drive)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the town of Nantucket by adding the following property, currently outside of the district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

NOTE: At its meeting on February 16, 2022, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 75

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 15 Milestone Crossing)

To see if the Town will vote to:

Amend the sewer district map to include 15 Milestone Crossing, identified as Nantucket Tax Assessor's Map 68, Parcel 457, which is currently outside the core sewer district

; or otherwise act thereon.

(David J. Buckley, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels located within the “Hummock Pond North” sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
68	457	15	Milestone Crossing

NOTE: *At its meeting on February 16, 2022, the Select Board acting as the Sewer Commissioners, voted to add the parcel referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.*

ARTICLE 76

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Select Board, to make constructive changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

“Affordable Housing Restriction” is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed two hundred forty percent (240%) of the Nantucket median income. A “qualified holder” is a governmental body or charitable corporation or trust which qualifies under the terms of chapter one hundred eight-four of the General Laws (“Chapter 184”) to hold an affordable housing restriction. Without limiting the generality of the foregoing, “Affordable Housing Restriction” includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter one hundred eighty-three A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other

person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was

made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket County; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice.

The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (n) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 2 then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 2 to be thereby avoided.

SECTION 11. Pursuant to state enabling legislation pending with the General Court for the adoption of an act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, the legislative body of a city or town by a majority vote may adopt said act upon the passage of said act by the Senate

and the House of Representatives of the General Court, and furthermore, a favorable majority vote of this Article by this Town Meeting is also deemed to be a vote by Town Meeting to adopt said act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

SECTION 12. This act shall take effect ninety (90) days following the date of passage.

(Select Board)

NOTE: Versions of the above home rule petition have been approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting, Article 70 of the 2018 Annual Town Meeting and Article 79 of the 2019 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2021, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and that the General Court, with the approval of the Select Board, is authorized to make constructive changes in the text hereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage, as follows:

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed two hundred forty percent (240%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of chapter one hundred eight-four of the General Laws ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter one hundred eighty-three A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee

imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket County; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to

said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (n) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 2 then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 2 to be thereby avoided.

SECTION 11. Pursuant to state enabling legislation pending with the General Court for the adoption of an act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, the legislative body of a city or town by a majority vote may adopt said act upon the passage of said act by the Senate and the House of Representatives of the General Court, and furthermore, a favorable majority vote of this Article by this Town Meeting is also deemed to be a vote by Town Meeting to adopt said act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

SECTION 12. This act shall take effect ninety (90) days following the date of passage.

ARTICLE 77

(Home Rule Petition: An Act Amending the Nantucket Sewer Act (Chapter 396 of the Acts of 2008))

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket Sewer Act to allowing the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

An Act Amending Chapter 396 of the Acts of 2008

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

8A. Notwithstanding any provisions of Chapter 83 or any other provision of a general or special law, the Nantucket Sewer Commission is hereby authorized to adopt a regulation that allows said Sewer Commission to waive all or a portion of sewer connection fees for year-round residents who otherwise qualify for the resident tax exemption under section 5C of Chapter 59 of the General laws.

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation, the text of which is set forth below, so as to amend the Nantucket Sewer Act to allow the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

An Act Amending Chapter 396 of the Acts of 2008

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

8A. Notwithstanding any provisions of Chapter 83 or any other provision of a general or special law, the Nantucket Sewer Commission is hereby authorized to adopt a regulation that allows said Sewer Commission to waive all or a portion of sewer connection fees for year-round residents who otherwise qualify for the resident tax exemption under section 5C of Chapter 59 of the General laws.

Section 2. This act shall take effect upon passage.

ARTICLE 78

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket To Implement Certain Recommendations of the Town Government Study Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant **and make a copy of the warrant available on the town website.** After such publication, the Finance Committee shall hold a public hearing on each article

and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ fourteen days prior to the Town Meeting.

(d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment ~~before such warrants are submitted to the Select Board;~~ and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at

least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 75 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 – Time of Taking Effect

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

SECTION 2. Continuance of the Charter Commission.

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

~~SECTION 3. Ratification by the Voters.~~

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:~~

~~"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "one year" and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words "Moderator shall appoint a clerk" the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words "after the issuance of the warrant" the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word "seven" and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year.

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town’s representatives in the General Court are hereby requested to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is*

shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text):

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one-year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant **and make a copy of the warrant available on the town website.** After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ **fourteen** days prior to the Town Meeting.

(d) **Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.**

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. **The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on**

matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment before such warrants are submitted to the Select Board; and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

~~Article VI, Section 6.6 Time of Taking Effect~~

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

~~SECTION 2. Continuance of the Charter Commission.~~

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

~~SECTION 3. Ratification by the Voters.~~

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:~~

~~"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

~~The form of the Special Act shall be as follows:~~

~~AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.~~

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “one year” and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words “Moderator shall appoint a clerk” the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words “after the issuance of the warrant” the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word “seven” and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year.

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name)” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name)” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

ARTICLE 79

(Home Rule Petition: An Act Prohibiting the Application of Fertilizer in the Town of Nantucket)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Nantucket except for farming purposes, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage

An Act Prohibiting the Application of Fertilizer Used in the Town of Nantucket Except for Farming Purposes

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Nantucket water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Nantucket. The soils of Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Nantucket prohibit the application of nitrogen and phosphorus added to soils through the application of

fertilizers. This Act should help Nantucket to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Nantucket, is hereby prohibited.

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

(Joseph Minella, et al)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT RELATIVE TO THE REGULATION OF NUTRIENT MANAGEMENT AND FERTILIZER IN THE TOWN NANTUCKET

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of sections 9 and 10 of chapter 262 of the Acts of 2012 or any other general or special law, the deadline for the adoption of any rule, regulation, or by-law relative to nutrient management and fertilizer guidelines adopted in the Town of Nantucket under chapter 561 of the acts of 1973, shall be extended for a period of two years after the effective date of this act. Such rule, regulation or bylaw shall not be less restrictive than regulations adopted by the department of agricultural resources under section 1 of chapter 262 and shall be done in conjunction with the University of Massachusetts Amherst Extension to ensure any regulations relative to plant nutrients are consistent with the program's published information, educational materials and other public outreach programs relative to nutrient management and fertilizer guidelines.

Section 2. The act shall take effect upon passage.

ARTICLE 80

(Home Rule Petition: Historic District Commission - Solar)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, to amend Chapter A301 Special Acts Article II Section 9(b) the Historic District Commission in the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to

make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Amend Section 9(b) of the Historic District Commission Special Acts, 1970 Chapter 395 by inserting the following changes highlighted bellow.

SECTION 9. (a) It shall be the function and the duty of the Historic District Commission to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter to be erected, reconstructed, Altered or restored within the Historic Nantucket District wherever such exterior features are subject to view from a beach, public way, public park, public body of water, traveled way, a street or way shown on a land court plan, or shown on a plan recorded in the registry of deeds, a proprietors road or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law. All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features to be passed upon shall be made available to the Commission by the applicant. It shall also be the duty of the Commission to pass the removal of any building within said districts as set forth in Section 6 and the erection or display of occupational or other signs as set forth under Section 7.

(b) The Historic District Commission, in passing upon appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Section 2 and shall consider, among other things, the general design, arrangement, texture, material and color of the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity, and outside the Town and Sconset Historic Districts shall reasonably allow for the visible integration of solar panels and renewable energy systems, and the commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable by-law.

(Jeffrey Booms, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

SELECT BOARD COMMENT: The Select Board appreciates the intent of the article sponsor but doesn't believe a Home Rule Petition is appropriate. We thank and encourage the Historic District Commission for continuing to examine its approval process for solar installations.

ARTICLE 81

(Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending Chapter 561 of the Acts of 1973, as amended, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

AN ACT Relative to the Nantucket Planning and Economic Development Commission.

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and-protection of the physical, environmental, cultural, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Planning Commission;" or the "Commission." The purpose of the Planning Commission is to plan for: balanced economic growth, the preservation of natural resources including open space, coastal resources, ground and surface water and ocean quality as well as other natural resources of Nantucket, the provision of adequate capital facilities, including transportation; the development of an adequate supply of fair affordable housing; and the preservation of historical, cultural, and recreational values. The Planning Commission shall consist of eleven (11) members as follows: ~~the members~~ (3) three representatives of the Planning Board of the Town of Nantucket, to be appointed annually by said Planning Board; one (1) representative of the Nantucket Housing Authority ~~The Nantucket Affordable Housing Trust~~, to be appointed annually by said Authority Trust; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; one (1) member of the Nantucket Historical Commission to be appointed annually by said Historical Commission; The Director of the Nantucket Department of Public Works or his or her designee which shall be designated by the Town Manager of said Town; and three (3) persons to be elected, ~~appointed at large by the Commission;~~ one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.

At the first annual election held after the effective date of this Act, three members shall be elected as follows: one (1) to serve for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and thereafter when the term of any elected member expires, his or her successor shall be elected to serve for three (3) years. In all cases the members shall serve until their successors are elected and qualified.

Any vacancy in the elected membership shall be filled by a majority vote of the Nantucket Planning Commission, said vacancy to be filled for the remainder of the unexpired term.

After the first annual election held after the effective date of the Act, the Planning Board shall appoint three of its members for a term of one year each, and the following appointments shall be made: a member of the Affordable Housing Trust, a County Commissioner, a member of the Historical Commission, a member of the Conservation Commission, and the Director of the Department of Public Works, each to serve for a term of one year.

SECTION 2. The Planning Commission shall be responsible for the preparation of comprehensive plans for the protection of the physical, and social, and environment, economy, ie development and general quality of life of said county and town the Town and County of Nantucket and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural and cultural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required.

Section 2A. The Planning Commission shall produce and make available a written report of its activities, annually.

SECTION 3. To meet the expenses incurred under this Act, the Planning Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion. The Planning Commission may be designated by any state or federal agency to participate in or receive funds and technical assistance from any state or federal programs, especially as those programs relate to environmental protection, conservation, land planning, water and air quality control, economic development, transportation or the development of region-wide public services.

SECTION 4. Within 30 days following each annual Town election, The Planning Commission shall elect a Chairman and such other officers as it may, by rule, provide Vice Chairman, and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without compensation. The duties of the Chairman include:

- a) Presiding over all meetings of the Planning Commission with the right to vote on all questions, absent conflict of interest, and to propose the agenda prior to each such meeting;

b) Reporting annually to the people of the Town on the work of the previous year.

Section 4A. The Planning Commission shall be one (1) of the eCommonwealth's regional planning agencies.

Section 4B PLACEHOLDER

Section 4BC. Certain developments of regional economic impact as hereinafter defined proposed to be constructed within the limits of the town of Nantucket shall not be constructed within that town without a Development of Regional Economic Impact Permit, hereinafter referred to as DREIP, issued by majority vote of the eCommission. A DREIP shall be in addition to and not a substitute for, nor shall it in any way detract from, any permit, license, approval or other permission issued by the town of Nantucket or any other applicable governmental authority.

Section 4CD. Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- (1) 30,000 gross square feet of interior space in a single building or on a single lot for retail, manufacturing or industrial use;
- (2) 40,000 square feet of exterior storage, exterior industrial use;
- (3) Alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- (4) any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

Section 4DE. The eCommission shall by majority vote adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the ~~Select bBoard of selectmen~~ of the town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote of a simple majority of voters of the town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific time lines for action by the eCommission, including, without limitation, that the eCommission shall file a written decision with the town clerk within 180 days of the eCommission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist services and facilities, transportation and education. The rules and regulations shall provide that the eCommission shall issue a DREIP upon making the following findings:

- (1) the probable benefit of the proposed project will exceed the probable detriment;
- (2) the proposed project is in compliance with any master plan adopted by the community pursuant to section 81D of chapter 41 of the General Laws or other authority;

and

(3) there are no practical, feasible or practicable options or Alternatives that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

SECTION 5. This Act shall take effect upon its passage.

(Hillary Hedges Rayport, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 82

(Ombudsman Establishment - Complaints)

To see if the Town will vote to adopt an act, authorizing the establishment of an Ombudsman. To mediate disputes before the Town of Nantucket that have come to an impasse. Moreover, mediate complaints with appropriated redress for the user of the services, when its alleged that wrongdoing or maladministration has occurred. Against employees of the Town of Nantucket, any department of the Town of Nantucket or any Board Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 83

(Scheduling of Annual Town Meeting and Annual Town Election)

To see if the Town will vote to:
Direct the Select Board allow at least fourteen (14) days time between the Annual Town Meeting and the subsequent Election

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board be requested to allow at least fourteen (14) days between the Annual Town Meeting and the Annual Town Election.

ARTICLE 84

(Rescind Article 77 of the 2018 Annual Town Meeting)

To see if the Town will vote to:
Recind Article 77 of the 2018 Annual Town Meeting as to so much of the article that pertains to the taking of 10 Surfside Road, Tax Accessors Map 55, Parcel 137, (a portion of) and return said to the care, custody and control of the Nantucket School Committee to be held for school purposes

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 85

(Real Estate Acquisition: Coastal Access - Eel Point Ways)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of the following three ways:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor.

All as shown on Assessor's Map 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 85 Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of the following three ways:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor.

All as shown on Assessor's Map 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 85 Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 86

(Real Estate Conveyance: Coastal Access - Eel Point Ways)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the following three ways for the purpose of coastal access:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor

such disposition to be on any terms and conditions the Select Board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on Assessor's Maps 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 86 Real Estate Conveyance: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the following three ways for the purpose of coastal access:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor

Such disposition to be on any terms and conditions the Select Board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on Assessor's Maps 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 86 Real Estate Conveyance: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 87

(Real Estate Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 87 Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads

and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 87 Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 88

(Real Estate Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the southwestern edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 88 Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the southwestern edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 88 Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 89

(Real Estate Acquisition: Parcel of Land off Surfside Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of public access, conveyance, and/or general municipal purposes the fee title or lesser interests in all or any portions of a parcel of land shown as "Terrio et al DD. BK. 118, Page 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 89 Acquisition of a parcel off Surfside Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purpose of public access, conveyance, and/or general municipal purposes the fee title or lesser interests in all or any portions of a parcel of land shown as “Terrio et al DD. BK. 118, Page 182” on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 89 Acquisition of a parcel off Surfside Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 90

(Real Estate Conveyance: Parcel of Land off Surfside Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion a parcel of land off Surfside Road as shown as “Terrio et al DD. BK. 118 PG. 182” on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 90 Conveyance of a parcel off Surfside Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion a parcel of land off Surfside Road as shown as “Terrio et al DD. BK. 118 PG. 182” on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 90 Conveyance of a parcel off Surfside Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 91

(Real Estate Acquisition: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, sidewalk, drainage, flood control, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 31 Easy Street, shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 91 Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to appropriate the sum of Three Million Dollars (\$3,000,000), and to meet said appropriation to authorize the Treasurer with the approval of the Select Board to borrow Three Million Dollars (\$3,000,000). It is anticipated that the Town will receive a total of \$2,000,000 from other sources to be applied towards the purchase price, and that such funds shall be used to reduce the amount to be borrowed hereunder, and provided further that no funds shall be expended until the Select Board determines that the Town has received \$2,000,000 from other sources to be applied to the purchase price.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 92

(Real Estate Conveyance: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the property known as 31 Easy Street shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E to the Nantucket Islands Land Bank, Nantucket County, and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 92 Conveyance of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the property known as 31 Easy Street shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E to the Nantucket Islands Land Bank, Nantucket County, and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 92 Conveyance of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 93

(Real Estate Conveyance: 50 Altar Rock Road)

To see if the Town will vote to authorize the Select Board to transfer the care, custody, management and control of a certain parcel of land located 50 Altar Rock Road, said parcel being shown on Tax Assessor's Map 45 as Parcel 9 and shown as Lot A on Land Court Plan No. 9547-A filed with the Nantucket County Registry District of the Land Court, from the Select Board for park purposes to the Select Board for purposes of conveyance and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of said property to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property; and further to authorize the Select Board to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance of the property at 50 Altar Rock Road under Article 97 of the Amendment to the Massachusetts Constitution.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of 50 Altar Rock Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to transfer the care, custody, management and control of a certain parcel of land located 50 Altar Rock Road, said parcel being shown on Tax Assessor's Map 45 as Parcel 9 and shown as Lot A on Land Court Plan No. 9547-A filed with the Nantucket County Registry District of the Land Court, from the Select Board for park purposes to the Select Board for purposes of conveyance and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of said property to the Nantucket Conservation Foundation, Inc. for open space,

recreational, and conservation purposes, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property; and further to authorize the Select Board to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance of the property at 50 Altar Rock Road under Article 97 of the Amendment to the Massachusetts Constitution.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 93 Conveyance of 50 Altar Rock Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 94

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town for park purposes, as described in more detail below and as shown on a map entitled “2022 Annual Town Meeting Warrant Article 93 Conveyance of Altar Rock” dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION INC. FOR OPEN SPACE, RECREATIONAL, AND CONSERVATION PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem

appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements and acceptance of the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the Executive Office of Energy and Environmental Affairs "no net loss policy" as determined by the Select Board, all as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town for park purposes, as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION INC. FOR OPEN SPACE, RECREATIONAL, AND CONSERVATION PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Conservation Foundation, Inc. for open space, recreational,

and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements and acceptance of the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the Executive Office of Energy and Environmental Affairs "no net loss policy" as determined by the Select Board, all as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 95

(Home Rule Petition: Real Estate Conveyance - A Portion of Ames Avenue)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held under the care, custody and control of the Nantucket Conservation Commission for conservation or recreational purposes, and which are located in the roadway known as Ames Avenue as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue" dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss policy” of the Executive Office of Energy and Environmental Affairs, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held under the care, custody and control of the Nantucket Conservation Commission for conservation or recreational purposes, and which are located in the roadway known as Ames Avenue as described in more detail below and as shown on a map entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF

NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss policy” of the Executive Office of Energy and Environmental Affairs, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 96

(Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 96 Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 96 Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 97

(Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 97 Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 97 Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 98

(Real Estate Acquisition: West Chester Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, open space protection, and/or conveyance, the fee title or lesser interests in all or any portions of the unconstructed way known as West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road, together with any public and private rights of passage.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 98 Acquisition of a portion of West Chester Street” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, open space protection, and/or conveyance, the fee title or lesser interests in all or any portions of the unconstructed way known as West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road, together with any public and private rights of passage.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 98 Acquisition of a portion of West Chester Street” dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 99

(Real Estate Conveyance: West Chester Street and Weweeder Avenue)

To see if the Town will vote to authorize the Select Board to sell, convey, release any rights, or otherwise dispose of the fee or lesser interests of the following former public ways to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, and/or the Nantucket Conservation Foundation, Inc., or any abutter thereto, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property:

-- West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road;

-- Weweeder Avenue between the eastern sideline of Nantucket Memorial Airport and the western sideline of a way at the boundary between the South Pasture and Southeast Quarter Shares shown on Land Court Plan No. 5004-H as a 50 foot way.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 99 conveyance of portions of West Chester Street and Weweeder Avenue” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey, release any rights, or otherwise dispose of the fee or lesser interests of the following former public ways to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, and/or the Nantucket Conservation Foundation, Inc., or any abutter thereto, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property:

-- West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road;

-- Weweeder Avenue between the eastern sideline of Nantucket Memorial Airport and the western sideline of a way at the boundary between the South Pasture and Southeast Quarter Shares shown on Land Court Plan No. 5004-H as a 50 foot way.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 99 conveyance of portions of West Chester Street and Weweeder Avenue" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 100

(Real Estate Disposition: Utility Easement/Shadbush Road)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land shown as Lots F and I on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for: Town of Nantucket," dated May 11, 2010, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2010-62; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land shown as Lots F and I on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for: Town of Nantucket," dated May 11, 2010, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2010-62; said easement area being shown on a plan filed with the Office of the Town Clerk.

ARTICLE 101

(Real Estate Disposition: Long-term Lease Authorization/Shooting Range Facility)

To see if the Town will vote to authorize the Select Board to lease a portion of the land at 1 Shadbush Road, shown as Lot 3 containing a total of twenty-seven (27) ± acres on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket," dated September 3, 2009, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 and shown on Tax Assessor's Map 78 as Parcel 5, for the purposes of demarcation, design, lay-out,

construction, maintenance and operation of a recreational shooting range facility, and to enter into a ground lease of the leased premises containing nine (9)± acres, for a minimum term of fifty (50) years, upon such terms and conditions as the Select Board deem appropriate, subject to the receipt of a Conservation and Management Permit from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program by the lessee; and further to authorize the Select Board to grant a permanent conservation restriction on the remaining portion of the property containing eighteen (18) ± acres pursuant to Massachusetts General Laws Chapter 184, §§ 31-33; said leased premises to be shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to lease a portion of the land at 1 Shadbush Road, shown as Lot 3 containing a total of twenty-seven (27) ± acres on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket," dated September 3, 2009, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 and shown on Tax Assessor's Map 78 as Parcel 5, for the purposes of demarcation, design, lay-out, construction, maintenance and operation of a recreational shooting range facility, and to enter into a ground lease of the leased premises containing nine (9)± acres, for a minimum term of fifty (50) years, upon such terms and conditions as the Select Board deem appropriate, subject to the receipt of a Conservation and Management Permit from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program by the lessee; and further to authorize the Select Board to grant a permanent conservation restriction on the remaining portion of the property containing eighteen (18) ± acres pursuant to Massachusetts General Laws Chapter 184, §§ 31-33; said leased premises to be shown on a plan filed with the Office of the Town Clerk.

ARTICLE 102

(Real Estate Acquisition: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513'. as shown on the plan attached hereto.

Or to take any other action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or

any portions of the property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on a plan filed with the Office of the Town Clerk.

ARTICLE 103

(Real Estate Conveyance: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions,

Or take any action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on a plan filed with the Office of the Town Clerk, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

ARTICLE 104

(Real Estate Acquisition: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or to take any other action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet.

ARTICLE 105

(Real Estate Conveyance: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or take any action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as shown on the plan filed with the Office of the Town Clerk,, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet.

ARTICLE 106

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2022 tax levy.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Million Five Hundred Thousand Dollars (\$1,500,000) from Free Cash in the Treasury of the Town be deposited into the Stabilization Fund; and, that One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) from Free Cash in the Treasury of the Town be deposited into the Capital Projects Stabilization Fund.

ARTICLE 107

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

PLANNING BOARD REPORT

Chapter 40A, section 5 of the Massachusetts General Laws authorizes the Planning Board (hereafter the Board) to issue an advisory report to Town Meeting. Although motions for Articles 42 through 63 are printed in the Warrant, this report provides additional information to help voters understand the basis for each motion. In an effort to provide better information about the planning process, the Board has added a report and glossary to the Warrant since 2011. The Board is guided by the approved Master Plan, unanimously accepted by Town Meeting in April of 2009¹. Overall, the Board's motions are consistent with the goals and policies of the Master Plan, they advance and implement the goals, and they represent a balanced approach to guiding the community's future physical development.

Prior to the 2020 ATM, the Board adopted an informational document intended to provide guidance for citizens to consider when proposing a request for a Zoning Map change. The document included: criteria that would be applied by the Board during the public hearing process, questions that the Board would need answered during their deliberations, and expectations about attendance of the article proponent at the public hearings. We hope that this guidance provides more clarity about the process and how the Board reaches a recommendation.

Articles 44 through 49 (sponsored by the Board) and 60 through 63 (submitted by citizen petition) are Zoning Map changes. Articles 42 and 50 through 53 (sponsored by the Board) and 43 and 54 through 59 (submitted by citizen petition) are Zoning Bylaw (hereafter Bylaw) changes.

The proposed map changes that were recommended by the Board match the existing character of the area with the designated zoning districts and advance Master Plan objectives. The Board considered compliance with the Master Plan, including, but not limited to, such policies as:

- Advancing Master Plan actions identified in the "Zoning District Implementation Schedule"²
- Making a distinction between Town and Country³
- Matching zoning districts with the character of the surrounding area⁴
- Phasing out certain zoning districts⁵
- Removing commercial zoning from exclusively residential areas⁶
- Encouraging small neighborhood centers with mixed-use development⁷
- Addressing issues in 7 of 18 identified Planning Areas⁸

¹ Warrant Article 26 of the 2009 Annual Town Meeting

² 2009 Nantucket Master Plan, Figure 39, page 97 (Articles 44-49)

³ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a, page 98 (Article 46)

⁴ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3, page 98 (Articles 45-49)

⁵ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a and 2.1.1b, page 98 (Articles 45-49)

⁶ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.3 page 98 (Articles 46-47)

⁷ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.2, page 98 (Articles 45, 49 and 61)

⁸ 2009 Nantucket Master Plan, Figure 17, page 48 (Articles 44-49 and 60-61)

Board sponsored map changes in Articles 46 and 47 match the zoning districts to the current residential neighborhood development, Articles 45 through 49 implement the phase-out of the RC and RC-2 zoning districts, and Article 44 implements the phase out of the R-1 zoning district. These articles are directly related to multiple Master Plan objectives. If approved, Articles 45 through 49 will further reduce the RC and RC-2 districts by 2% and 9%, respectively. We note that a technical map correction is included in Article 53, which is primarily a Zoning Bylaw amendment article. The purpose of that map amendment is to align the zoning district with the lot line for each of those properties, which would be consistent with the subdivision plan that was previously approved by the Planning Board.

Citizen petition Article 60 will result in the zoning district for the referenced parcels being consistent with the density of the existing neighborhood and will bring those lots into conformity with zoning. Article 61 will add parcels to the CTEC district in an area with existing commercial uses on adjacent parcels. Articles 62 and 63 did not receive support from the Board due to concerns about density and the lack of a developed plan for future uses.

Bylaw amendments proposed by the Board in Articles 42 and 50 through 53 received positive recommendations. Article 42 is a companion article to 39, which is a General Bylaw amendment. Both articles address short-term rentals and will definitively establish them as an allowed use subject to regulations. Approving these articles will remove any ambiguity about the legality of short-term rentals. Articles 50, 51, and 52 expand allowances for year-round housing opportunities. Article 50 expands the allowed size of a tertiary dwelling from 650 square feet to 900 square feet and Article 51 creates a new Nantucket Housing Needs Covenant lot allowance for tertiary dwellings so that provided certain criteria are met, a lot could have a market rate dwelling and two covenant dwellings all subject to fee simple ownership. This allowance would not increase the ground cover or decrease the setbacks, it would simply allow the ownership of the units to be separated. Article 52 expands the workforce homeownership housing bonus lots to the R-10 district, allowing one bonus (income restricted to households earning at or below 80% of area median income) lot for every three market rate lots.

Bylaw amendments proposed by citizens in Articles 43 and 54 through 57 did not receive support from the Planning Board and those articles contain additional comments after the motion.

The Board recognizes the hard work of its staff, the active participation by citizens, and appreciates the thoughtful review of these articles by Town Meeting voters. If you have questions or concerns about the zoning articles, we encourage you to seek answers in advance of Town Meeting from individual Board members or contact PLUS staff at 508-325-7587.

ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 42 through 63. The entire Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) and maps (under Town Meetings and Elections) can be further researched at www.nantucket-ma.gov.

The intensity regulations for zoning districts identified in the Zoning Map changes are referenced below.

Yard Setback					
District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
VR	20,000	20	10	100	10%
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
LUG-3	120,000	35	20	200	3%
CMI	5,000	0	0	50	50%
RC	5,000	None	5	40	50%
RC-2	5,000	10	5	40	50%
CN	7,500	10	Side: 5 Rear: 10	50	40%
CTEC	10,000	10	Side: 5 Rear: 10	50	40%
ROH/SOH	5,000	None	5	50	ROH 40% SOH 50%
SR-1	5,000	10	5	50	30%
R-5	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40% R-5L 30%
R-10(L)	10,000	20	10	75	25%
R-20	20,000	30	10	75	12.5%
R-40	40,000	30	10	75	10%

Area Plan - the Nantucket Planning and Economic Development Commission (NP&EDC) has developed a participatory process to foster and facilitate the implementation of the land use and other relevant sections of the 2009 Master Plan. The areas are designated, mapped, and volunteer advisory members are appointed. The topics that each group evaluates are the nine elements of an MGL Chapter 41 section 81D master plan. A final plan is accepted by the NP&EDC. Final plans have been completed for Brant Point, Madaket, Mid Island, Naushop Crossing, Siasconset, Surfside and Tom Nevers. *(Source: Goal 2.2, Policy 2.2.1, Nantucket Master Plan)*

Country Overlay District (COD) - a zoning overlay district encompassing those areas not included in the Town Overlay District. The purpose of the COD is to preserve areas characterized by traditional and historic rural land use patterns and to discourage the spread of dispersed development patterns that promote automobile dependency. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12F)*

Exclusionary Zoning - zoning that has the effect of keeping out of a community or neighborhood certain groups, or additional population. Techniques such as large-lot zoning, which increase housing costs, have been challenged for their exclusionary effects. *(Source: A Planner's Dictionary (2004). Published by the American Planning Association)*

Ground Cover - the horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and one detached shed not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 2)*

Overlay District - establishes alternative zoning requirements to address area specific needs, to promote specific development projects, or to meet specific community goals. *(Source: American Planning Association)*
<https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay>

Special Permit - requires a super-majority (4 out of 5 members in favor) vote of the special permit granting authority. Special permits may impose conditions, safeguards, and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of the Zoning Bylaw. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 30)*

Spot Zoning - the Massachusetts Supreme Judicial Court found that spot zoning occurs where one lot or a small area has been singled out for treatment less onerous than that imposed upon nearby, indistinguishable properties. The Court of Appeals has found that spot zoning arises "where a zoning change is designed solely for the economic benefit of the owner of the property receiving special treatment and is not in accordance with a well considered plan for the public welfare." *(Source: Massachusetts Municipal Association)*

"In assessing spot zoning challenges, it is quite proper to consider the effect of the zoning change on the municipality as a whole. The court now favors a balancing test to

assess a spot zoning challenge. This is especially important where the growth of the municipality has been addressed by a plan.” Challenges alleging spot zoning have a heavy burden of proof, as great weight is given to validity arising from the Town Meeting process. The total area being rezoned is only important where it is not an extension of a district by the inclusion of border lots. Generally, newly established zoning areas greater than two acres are not considered to be a spot zone. *(Source: Bobrowski, Mark “Handbook of Massachusetts Land Use and Planning Law” pages 91through 95)*

Town Overlay District (TOD) - a zoning overlay district encompassing those areas not included in the Country Overlay District. The purpose of the TOD is to encourage development within an area where infrastructure already exists or can be extended without undue expense, to create opportunities to produce affordable housing for year-round residents through in-fill development and to create development patterns that are conducive to service by alternatives to the automobile, such as transit, bicycle, and pedestrian systems. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12E)*

ZONING DISTRICTS BY LAND AREA

(Updated through July 2021)

In 2005, when the Planning Board first began the research necessary to draft the Master Plan, 8.65% of the island was in a high density (minimum lots size of 5,000 square feet or less) zoning district and 81.75% was in a low density (minimum lot sizes of 40,000 square feet or more) zoning district. Today, 3.47% of the island is in a high density zoning district and 86.92% is in a low density zoning district. The amount of land within a moderate density district has remained stable. The chart below demonstrates how the land area of the island contained within each zoning district has changed over time.

	2005		2021	
Zone	Acres	Percentage	Acres	Percentage
		of Total Land Area		of Total Land Area
AH	1.18	0	0	0
OIH	4.71	0.01	4.77	0.02
ALC	21.01	0.06	21.01	0.07
VN	0	0	20.64	0.07
VTEC	0	0	27.65	0.09
LC	37.93	0.11	0	0
CDT	23.48	0.07	37.67	0.13
SR-1	48.9	0.15	25.78	0.09
CTEC	0	0	69.44	0.23
SOH	34.83	0.11	50.24	0.17
SR-10	13.91	0.04	45.21	0.15
CMI	0	0	53.75	0.18
RC	330.39	1	22.66	0.08
R-5	0	0	168.4	0.56
CN	0	0	207.94	0.69
RC-2	1380.7	4	75.7	0.25
ROH	209.38	0.6	229.66	0.76
VR	0	0	341.73	1.13
SR-20	445.86	1.4	273.63	0.91
R-1	641.01	1.9	351.57	1.17
R-40	0	0	437.48	1.45
R-10/10L	346.22	1.05	423.84	1.41
CI	0	0	455.27	1.51
LUG-1	989.92	3	1007.46	3.35

R-20	2505	7.6	1064.42	3.54
MMD	618.59	1.9	1790.02	5.95
LUG-2	7481.8	22.6	2264.99	7.52
LUG-3	17986	54.3	20637.52	68.54
TOTAL	33121	99.9	30108.45	100

Prepared By: Leslie Woodson Snell, AICP, Deputy Director of Planning
Nathan Porter, GIS Coordinator

Data Source: Town of Nantucket GIS Files

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2022 ANNUAL TOWN ELECTION**



**Tuesday, May 10, 2022 - 7:00 AM - 8:00 PM
Nantucket High School**

Election of candidates for the following offices:

Moderator	One for a term of one year
Select Board	Two for terms of three years
School Committee	One for a term of one year
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Planning Board	One for a term of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term of three years
Town Clerk	One for term of three years

To vote "YES" or "NO" on the following ballot questions:

Debt Exclusion: Design for New Our Island Home Facility

1. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a new Our Island Home facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way including the costs of professional services for design, permitting, engineering,

materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Supplemental Appropriation for Replacement Harbormaster Facility

2. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide supplemental funding for the replacement of the Harbormaster Building at 34 Washington Street including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repave Pleasant Street and Reconstruct/Improve Sidewalk(s)

3. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to repave Pleasant Street and reconstruct and/or improve the adjacent sidewalks including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repairs to LORAN Barracks Facility

4. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for repairs to the LORAN barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, hazardous materials removal, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Nantucket Public Schools Athletic Facilities

5. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of athletic facilities and associated appurtenances at the Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Central Municipal Facility/2 Fairgrounds Road

6. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a central municipal facility at property owned by the Town at 2 Fairgrounds Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Construction of Town Employee Housing

7. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of town employee housing located at Town-owned property at Fairgrounds Road/Waite Drive, including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: PFAS Soil Investigation

8. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Acquisition of 10-12 Washington Street

9. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 10-12 Washington Street and any other costs incidental and related thereto?

Debt Exclusion for Affordable Housing

10. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto?

Capital Outlay Exclusions

11. Shall the Town of Nantucket be allowed to assess an additional \$1,176,000 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2022?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$105,000
Fire	Replace Utility Vehicle	75,000
Fire	Utility All-Terrain Vehicle	50,000
Natural Resources	One (1) Replacement Vehicle; One (1) New Vehicle	100,000
Health & Human Services	One (1) Replacement Vehicle; One (1) New Vehicle	100,000

Solid Waste	Replacement Administrative Vehicle	40,000
Public Works	Replacement of Two (2) Small Pick-up Trucks	96,000
Public Works	Replacement of Skid Steer Loader	72,000
Public Works	Replacement of F-350 Pick-up Truck	68,000
Public Works	Replacement of F-550 Pick-up Truck	80,000
Public Works	"Forestry Package" for Cat Skid Steer	50,000
Public Works	Replacement of Tandem Vibratory Roller	50,000
Public Works	New Mechanic's Utility Vehicle	120,000
Public Works	New Mini Sweeper	120,000
Public Works	New Park & Recreation Vehicle	50,000
	<i>Total Capital Exclusion:</i>	<i>\$1,176,000</i>

Charter Amendment

12. Shall the Town of Nantucket approve the charter amendment proposed by Town Meeting summarized below?

SUMMARY OF BALLOT QUESTION NO. 12:

Massachusetts General Laws, Chapter 43B, Section 10, allows Town Meeting to vote to amend the Town's Charter. On June 5, 2021, the Annual Town Meeting voted to adopt the Charter amendment. The vote on the motion pursuant to Article 96, as moved by the Finance Committee, was Yes: 668, No: 24, which passed by more than the necessary two-thirds vote. The Charter Amendment is conditioned upon the voters approving the same at this 2022 Annual Town Election.

The Proposal will amend section 2.5 of the Town Charter which currently requires that the Select Board publish the Town Meeting warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting. The amendment will increase the length of time for the mailing from seven to fourteen days.

A "YES" vote on this Ballot Question would be in favor of approving this amendment to the Charter.

A "NO" vote on this Ballot Question would be opposed to approving this amendment to the Charter.

Debt Exclusion for Water Main Extension

13. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued, for costs associated with design, engineering, and construction of new water mains in areas west of Nantucket Memorial Airport and any other costs incidental and related thereto?

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